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EARLY HISTORY

—OF—

VERMONT.

BY LA FAYETTE WILBUR,

OF JERICHO, VT.

VOLUME II.

The laws of history, in general are truth, method, and clearness of expression.—*Dryden.*

JERICHO, VT.
ROSCOE PRINTING HOUSE.
1900.

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History is the complement of poetry.—*Sir J. Stephen.*

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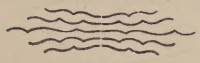
PREFACE.



In presenting the second volume of the Early History of Vermont to the public the author here states that when he commenced to write this volume he expected it would cover the history of the State far into the 19th century, but found so much material that had been untouched by the first volume he has been unable, except on a few points, to bring the history of the State and its people down to a later period than the admission of the State into the Federal Union in 1791. The writer has thought it best to make thorough work as far as he goes and let future volumes embrace the later history of the State. The natural and beautiful scenery of Vermont is touched upon in the first chapter; its natural vegetation and products, and the living creatures that inhabited the primeval forests are given in the second chapter; the depredations and character of the Indians are considered in the third chapter. It is hoped that the fourth chapter that treats of the division of the State into counties and districts will not be devoid of interest.

The controversy of the Grants with New York and the internal affairs of the State, including some official letters relating to the claims of Massachusetts to Vermont territory, and some State papers and other documents have been pre-

sented in the fifth, sixth, seventh and eighth chapters, showing the foundation principles of the government of Vermont, and the bold stand taken and the patriotic sentiments expressed by the Green Mountain Boys. The early laws and the interesting features of the primitive legislation have claimed the writer's attention in the ninth and tenth chapters. The doings of the Board of War are given. The character of the early settlers, their homes and customs, and town meetings will always be interesting matter—these topics are presented in chapters twelve and thirteen.

It has been thought by some critics that any one writing a history of his own State is liable to be biased in favor of the people of his State and give an unfavorable coloring against those with whom they have had controversy, hence, the writer thought it advisable to give the New York view of their controversy with the New Hampshire Grants and the Green Mountain Boys. The New York view will be found in the fourteenth, fifteenth and sixteenth chapters.

The history of the early religious privileges and Sabbath observance have a prominent place in the early history of Vermont and in all New England, and is replete with interesting, strange, and amusing features, and is treated of in chapters seventeen and eighteen. In the last named chapter the Congregational polity and government is considered.

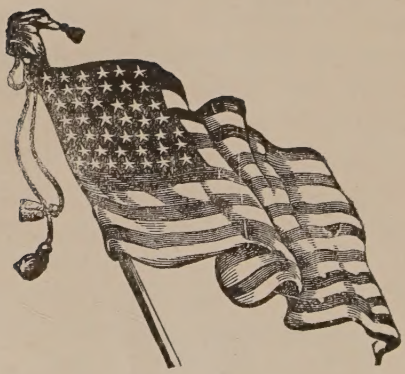
We may learn much of the character of the pioneers of Vermont from their biographies, therefore, a sketch is given of a few of the early settlers in the nineteenth and twentieth chapters. More sketches of their lives may be given in future volumes. In chapter twenty-one a list of members of Congress, District Judges, and Lieutenant-Governors are given. To make the two volumes more useful and convenient to the reader, an index is given of the context of both volumes.

In preparing this volume the writer has been greatly aided by other writers from which he has quoted, and to whom he has given credit, and here makes his acknowledgments.

LA FAYETTE WILBUR.

Jericho, Vt., December 31, 1900.

FREEDOM
VERMONT
AND UNITY



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ERRATA.

On page 45 before the name Skeensborough a comma should be used in place of the period.

On page 48 the word "Grand" should read "General."

On page 54 in 2d line from bottom the word 'part" should read "party."

On page 127 in 8th line from top the word 'but" should be erased.

On page 210 in 6th line from bottom the word "mere" should read "were."

On page 243 in 7th line from top the word "that" should be erased.

ADDITIONAL ERRATA FOR VOL. I.

On page 337 the names of John Pierpoint, James Barrett and A. O. Aldis should not appear among the Circuit Judges, but were elected Supreme Judges when the circuit system ceased.

On page 346 the name of Henry R. Start should precede that of Laforest H. Thompson.

In Preface the word "thirteenth" should read "fourteenth."

On page 66 line 11 "$80,000" should read "30,000."

On page 77 line 20 the word "Hamp" should read "Hampshire,"

On page 90 line 14 the word "Romulous" should read "Romulus."

On page 91 line 16 the word "looking" should read "looked."

On page 107 line 9 from bottom "500" should read "100."

On page 117 line 14 the word "consummate" should read "consummating."

On page 148 2nd line from bottom for "consumating" read "consummated."

On pages 153 and 154 the name "Gainsevoort" should read "Ganesevoort."

On page 180 line 8 from bottom "imbuing" read "imbruing."

On page 182 line 14 "which" read "whose relief."

On page 190 line 14 "Yonkers" read "Yorkers."

On page 205 in line 20 "Demcima" "Decima."

On page 205 line 3 from bottom "devises" read "devices."

On page 221 line 15 "June" read "January."

On page 225 line 14 "1887" read "1877."

On page 261 line 6 from bottom "expatriated" read "expatiated."

☞Since the publication of the first volume of this history Hon. Laforest H Thompson, Judge of the Supreme Court, has deceased, and Wendall P. Stafford appointed a member of the Court. And William W. Stickney elected Governor at the September election of 1900.

VERMONTERS.

"They love their land because it is their own,
And scorn to give aught other reason why;
Would shake hands with a King upon his throne,
And think it kindness to his Majesty."—*Halleck.*

"England! with all thy faults,
I love thee still."—*Cowper.*

CHAPTER I.

THE PHYSICAL STATE AND NATURAL SCENERY OF THE TERRITORY NOW CALLED VERMONT.

In the first volume of this work but little was said about the physical state and natural scenery of Vermont in its early days. It will be well to devote the first chapter of the second volume to those and kindred features of the State.

Its situation is between 42 degrees 44 minutes, and 45 degrees of north latitude, and between 3 degrees 31 minutes, and 5 degrees and 24 minutes east longitude from Washington, and situated about eighty miles from any part of the ocean. The width of the State at its southern extremity is about forty miles, while the line of the northern end of the State, running from Connecticut River to Lake Champlain, is ninety miles long. The length of the State running the course of Connecticut River, the western bank of which is the eastern boundary of the State, is about 215 miles. The northern line of the State runs on a parallel of 45 degrees north latitude, and was surveyed in 1772; the south line was surveyed in 1741.

The western boundary was determined by the government of Vermont and New York at the termination of their controversy in 1790. The line begins at the south-west corner of Pownal, running along the western boundaries of that town

and Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, to Poultney River; thence down the same through the middle of the deepest channel of said river, East Bay and Lake Champlain, passing east of the islands called the Four Brothers, and westerly of Grand Isle and LaMotte, to the 45th degree of north latitude. All of said first eight towns had been granted by His Excellency Benning Wentworth. The length of the State is 157½ miles, and the average width, 57 miles, containing an area of about 9000 square miles.

The surface of the State is very diversified and uneven, and through the entire State there are alternate valleys and hills, making the scenery, to the lovers of nature, picturesque and grand beyond adequate description. Much of its farming land is rough and stony, but it produces grasses and grains abundantly, so that the farmer gets rich returns for his toil. Considerable plain lands border upon the rivers, the soil of which is rich, deep, and easily tilled.

The green verdure covering the landscape, and the Green Mountains, that extend through the State from south to north about midway between Connecticut River and Lake Champlain, not only makes the scenery grand and delightful, but suggests the "*Verd Mont*," the Green Mountain State of Vermont. This range of mountains is broken through by the Onion and Lamoille Rivers.

The lands of the State are drained by the rivers and brooks taking their rise in the Green Mountains, some running easterly and flowing into

Connecticut River, others flowing northerly and emptying into Lake Memphremagog, and several others flow either into Lake Champlain or Hudson River; the four largest, Missisquoi, Lamoille, Onion and Otter Creek, discharge their waters into Lake Champlain.

Lake Champlain is about 110 miles long, and 12 miles wide at its widest place; its medium width is about 4½ miles, and was discovered by Samuel Champlain in 1609. It has several bays, East Bay at Whitehall, Button Bay in Ferrisburgh, Shelburne Bay just south of Burlington, Burlington Bay at Burlington, Colchester Bay just north of Burlington, St. Albans Bay near St. Albans, and McQuam's Bay at Swanton.

No lake in the United States has had more important, or more stirring and interesting events, in connection with the settlement of North America, than Lake Champlain. In the Indian wars, in the war between England and France, in the struggle between Great Britain and the American Colonies, and in the more recent war of 1812 to 1814, between the United States and the same power, its waters have been crimsoned with the blood of the contending forces.

The name of the lake stands out prominently with some of the most remarkable events of our country. At Fort Ticonderoga, that stood on its western shore about twenty miles north of Whitehall, was where the British army under the command of General Abercrombie were repulsed while attempting to take the fort from the French, suffering the loss of 1941 men; and where in the year

following, the French in turn surrendered to General Amherst, who commanded the English forces. This fort, while held by the British, was surprised and taken by the brave Green Mountain Boys under the command of General Ethan Allen on the morning of May 10th, 1775, and was retained in the possession of the Americans until the 6th day of July, 1777, when it was evacuated by the American troops under the command of Gen. St. Clair, and taken possession of by General Burgoyne; but soon afterwards was repossessed by the Americans.

Crown Point fortress was built by the French in 1731, fourteen miles north of Ticonderoga, but was surrendered to General Amherst in 1759, and held by the British until the capture of Gen. Burgoyne. Fortifications were erected at Plattsburgh during the war of 1812 to 1814 with England. It was near this place on the lake, that the American fleet, under Commodore McDonough, gained a signal victory over the British squadron, on the 11th of September, 1814. Fortifications were also built at Burlington, Vt., and Fort Montgomery has more recently been built near the northern end of the lake.

Hoskins states in his history, with undoubted truth, that, "There are many indications that Lake Champlain was once much more extensive than it now is, and covered with its waters a considerable portion of the land which is now greatly elevated above its surface. Shells and clams are found in the highest parts of the islands in the lake, imbedded in the marl, or incorporated with

the stones, and on the continent they are scattered at heights of forty or fifty feet above the level of the lake. The soil also, in many places exhibits the appearance of being deposited in regular strata on the subsiding of the waters."

It is probable that at some early period of time and during the glacial period, the ocean swept through from the mouth of the St. Lawrence River to the vicinity of New York, changing the surface of the earth in this region and depositing and shaping its substances as they are now found. The area of the State as given by the different historians vary quite a little, probably occasioned by a difference taken as the average width of the State and including or excluding the waters of Lake Champlain.

Samuel Williams, in his history of Vermont, the second edition of which was published in the year 1809, refers to the land of the State as follows: "The land included within these limits, is of a very fertile nature, fitted for all the purposes and productions of agriculture. The soil is deep, and of a dark color; rich, moist, warm and loamy. It bears corn and other kinds of grain in large quantities, as soon as it is cleared of the wood, without any ploughing or preparation. After the first crop, naturally turns to rich pasture or mowing."

There are several mountains in the State, from the tops of which one beholds as grand and enchanting scenes as there is in all America. Killington Peak is situated in Rutland county; Camel's Hump lying in the town of Huntington;

Mount Mansfield lies on the boundry line between Chittenden and Lamoille Counties, the summit of which has the appearance of a man's face turned up towards the heavens above. The following table of heights of the highest ten mountains in the State is taken from Gannet's "Dictionary of Altitude in the United States," third edition, published by the United States' Geological Survey:

Mount Mansfield	4364 feet
Killington	4241 "
Camel's Hump	4088 "
Mount Lincoln	4078 "
Jay Peak	4018 "
Potato Hill	3986 "
Pico Peak	3967 "
Little Killington	3951 "
Stratton Mt.	3859 "
Mount Equinox	3847 "

The height of Mount Equinox was determined by the Coast and Geodetic survey. The others are from the authority stated. It will be seen that Mount Mansfield maintains its primacy in the family. To one standing on its summit there lies before him to the west between Lake Champlain and the mountains, the distance of twenty-five miles, a panorama of rivers and brooks, meadow and wood; a country dotted all over with farms with their buildings and orchards, with here and there handsome villages in plain view, and the City of Burlington on the eastern shore of the lake.

The Lake itself can be seen more than half its length, and in a clear day, the Adirondacks west

of the Lake in New York State, stand out as a magnificent background, presenting a picturesque and charming scene to the eye. To the east of the mountain the land is undulating and the country more mountainous, so that the eye has not so extensive sweep, but thrifty farms and fine farm buildings can be seen in all directions. There are other mountain peaks, but of less note.

The following account of the christening of the Green Mountains is in the life of Rev. Hugh Peters, published in 1807: viz. "*Verd Mont* was a name given to the Green Mountains in October, 1763, by the Rev. Dr. Peters, the first clergyman who paid a visit to the 30,000 settlers in that country, in the presence of Col. Taplin, Col. Welles, Col. Peters, Judge Peters, and many others, who were proprietors of a large number of townships in that Colony. The ceremony was performed on top of a rock standing on a high mountain, then named Mount Pisgah because it provided to the company a clear sight of Lake Champlain at the west, and of Connecticut River at the east, and overlooked all the trees and hills in the vast wilderness at the north and south. The baptism was performed in the following manner: Priest Peters stood on the pinnacle of the rock, when he received a bottle of spirits from Col. Taplin, then harangueing the company with a short history of the infant settlement, and the prospect of its becoming an impregnable barrier between the British Colonies on the south and the late Colonies of the French on the north, which might be returned to their late owners for the sake of gov-

erning America by the different powers of Europe. We have here met upon the rock Eatam, standing on Mount Pisgah, which makes a part of the everlasting hill, the spine of Asia, Africa and America, holding together the terrestrial ball, and dividing the Atlantic from the Pacific ocean—to dedicate and consecrate this extensive wilderness to God manifest in the flesh, and to give it a new name worthy of the Athenians and ancient Spartans,—which new name is *Verd Mont*, in token that her mountains and hills shall be ever green and never die. He then poured out the spirits and cast the bottle upon the rock Eatam."

The mountain referred to, probably, was either Mansfield or Camel's Hump, but there must have been a stretch of the imagination in this account, as there is no mountain in Vermont high enough to enable one to see the waters of Lake Champlain and Connecticut River from the same spot. There was also an exaggeration as to the number of inhabitants, for in 1771, there were but about 7000 inhabitants in this territory. This rite of baptism was not performed by Dr. Hugh Peters, but by Samuel A. Peters, D. D., L. L. D., who was born Dec. 12, 1735, at Hebron, Connecticut.

The water of the rivers and brooks of Vermont is of the purest quality, owing to the fact they have their rise among the Green Mountains. The larger of the rivers are, Otter Creek, that takes its rise in Bennington County and falls into Lake Champlain at Ferrisburgh; Onion River, that rises in Cabot and flows into the same lake between Burlington and Colchester; the Lamoille

River that proceeds from a pond in Glover and empties into Lake Champlain in the northwestern part of Colchester; and the Missisquoi River, which takes its rise in the town of Lowell, and takes a circuit northerly into Canada, returning to the State at Richford, and flows into Missisquoi Bay in Highgate.

On the east side of the State, the Passumpsic rises in Westmore and falls into the Connecticut River at Barnet; White River and its main branch rise in or near Roxbury in Washington County, and Brookfield in Orange County, and flows into Connecticut River at Hartford.

CHAPTER II.

TREES, SHRUBS, FRUITS, ANIMALS, BIRDS, FISHES AND REPTILES.

When the territory now called Vermont was discovered by Europeans, no system of agriculture, worthy of the name, was practiced by the natives, but it was one continuous forest. There were a great variety of plants and flowers, and a great many kinds of trees that spread over its hills, valleys and mountains. It is not my purpose to give a complete list of them, but will name those that are most common. Among the trees there are the ash, butternut, balsam, basswood, beech, birch, cherry, cedar, chestnut, elm, hemlock, maple, oak, pine,poplar, spruce and willow.

Among the trees, shrubs and vines that bear valuable and pleasant fruit are the apple tree, blueberry, blackberry, cherry (black, red and choke), currant, cranberry, gooseberry, grape, hazelnut, juniper, mulberry, plumb, raspberry and strawberry. There are among the valuable wild esculent roots and seeds the artichoke, cucumber, hop, leek, onion, oat and pea.

Among the vegetables that were indigenous to the soil were the elder, blood-root, elcampane, golden-thread, ginseng, garget, lobelia, liquorice root, pond lily, pleurisy root, snake-root, skunk

cabbage, sweet-flag, senna, and sarsaparilla.

The following plants, that are indigenous here, are found to operate as a poison: viz., thorn-apple, henbane, nightshade, ivy, creepingivy, swamp sumach, baneberry, and white hellebore.

There are some plants and the bark of some trees that are not poisonous, the medicinal properties of which are valuable: such is the bay-berry, the prickly ash and the witch hazel.

The native wild animals and quadrupeds that were found in Vermont were numerous. It is not within the scope of this history, nor my purpose to give their size, nature or habits as that would fall to the work of the zoologist.

The primitive forests of this territory were inhabited by, and furnished shelter and food for the moose, bear, wolf, deer, fox, wild cat, raccoon, porcupine, woodchuck, skunk, martin, hare, rabbit, weasel, ermine, squirrel, rat, mole, mouse, and lynx. Along our rivers, ponds and lakes, there were found the beaver, musk rat, mink, and otter, all of which furnished employment and sport for the hunter and trapper. The flesh of several of those animals furnished meat for the inhabitants, and the skins and furs were used for clothing, and were very valuable as articles of merchandise. As settlements were made throughout the State and the forest frequented by civilized man, those animals and quadrupeds were hunted and killed. Some of them migrated to other localities; the moose, wolf, otter and beaver have wholly disappeared from Vermont.

The beaver is a remarkable animal and

exercises an extraordinary amount of intelligence and skill in the management of the concerns of its domestic life, and in building dams, and in the construction of their dwellings. Its forefeet and toes are so constructed as to answer the purpose of fingers and hands; its teeth are sharp and curved that enable him to cut down trees and cut them up into suitable lengths for constructing dams and houses. They associate and combine to pursue their common business and welfare. Samuel Williams in his history says of him, "Their association and management has the aspect of a pure democracy; founded on the principle of perfect equality and the strongest mutual attachment. This principle seems sufficient to preserve the most perfect harmony, and to regulate all the proceedings of their largest societies." * * * The place for making their dams, "is always chosen in the most convenient part of the stream; and the form of it is either direct, circular or with angles, as the situation and circumstances of the water and land require; and so well chosen is both the place and the form of these dams that no engineer could give them a better situation and form either for convenience, strength and duration. The material of which the dams are constructed are wood and earth. If there be a tree on the side of the river, which would naturally fall across the stream, several of the beavers set themselves with great diligence, to cut it down with their teeth. Trees of the bigness of twenty inches diameter are thus thrown across the stream. They next gnaw off the branches from the trunk,

that the tree may assume a level position. Others at the same time are cutting down small trees and saplings, from one to ten inches in diameter. These are cut into equal and convenient lengths; some of the beavers drag these peices of wood to the side of the river, and others swim with them to the place where the dam is to be built; as many as can find room are engaged in sinking one end of these stakes, and as many more in raising, fixing and securing the other end. While many of the beavers are thus laboring upon the wood, others are equally engaged in carrying on the earth part of the work. The earth is brought on in their mouths, formed into a kind of mortar with their feet and tails, and spread over the vacancies between the stakes. * * * The better to preserve their dams the beavers always leave sluices, or passages near the middle, for the redundant waters to pass off. * * *

"The dam is no sooner completed than the beavers separate into small bodies, to build cabins or houses for themselves. These houses are built upon piles, along the borders of the pond. They are of an oval form, resembling the construction of a haycock; and they vary from four to ten feet in diameter, according to the number of families they are designed to accommodate. They are of two stories, generally of three, and sometimes they contain four. Their walls are from two to three feet in thickness at the bottom and are formed of the same materials as their dams. * * * Through each floor, there is a communication; and the upper floor is always above the level of

the water when it is raised to its greatest height. Each of these huts have two doors; one on the land side to enable them to go out and procure provisions by land; another under the water and below where it freezes, to preserve their communication with the pond. * * * The smallest of their cabins contain one family, consisting generally of five or six beavers; and the largest of the buildings will contain from twenty to thirty.

"No society of animals can ever appear better regulated or more happy than the family of beavers. The male and female always pair. Their selection is not a matter of chance or accident, but appear to be derived from taste and mutual affection. * * * Nothing can exceed the peace and regularity which prevails in the families, through the whole commonwealth of these animals. No discord or contention ever appears in any of their families. Every beaver knows his own apartment, and storehouse, and there is no pilfering or robbing from one another. * * * Different societies of beavers never make war upon one another or upon any other animals. When they are attacked by their enimies, they instantly plunge into the water to escape pursuit. And when they cannot escape, they fall an easy sacrifice. The arts necessary for their safety are carried by the beaver to a great emenience. The situation, direction, form, solidity, beauty and durability of their dams are equal to anything of the kind, which has ever been performed by man."

The writer has seen one of these dams built by the beaver in the town of Waterville, Vt. These

animals are from three to four feet in length, and of the average weight of about forty pounds.

Most of the birds that inhabit in the United States are found in Vermont. The crow, hawk, owl, blue jay, snowbird, partridge, woodpecker, and sometimes the robin, blackbird, lark, snipe, bluebird, make their home in Vermont during the entire year. The wild goose, wild pigeon, swallow, and the black martin, called birds of passage, go south to a warmer climate for the winter, and return in the spring. Among the singing birds are the robin, skylark, thrush, mocking-bird, bobolink, yellowbird, bluebird, wren, red-winged blackbird, catbird, goldfinch, and hangbird; and those that resort much to water are the goose, duck, teal, heron, gull, schelldrake, crane, stork, loon and waterhen.

Among the list of others that are found here, though some of them are not very numerous, are the eagle, kingbird, cuckoo, kingfisher, woodcock, woodsnipe, quail, curlew, plover, wild turkey, turtle dove, whip-poor-will, night hawk, ground bird, English sparrow, and humming bird; the latter is the smallest of all birds.

Fishing in Vermont has been a pleasant pastime for many, and at some portions of the year fishermen have made fishing a profitable employment. In the lakes, ponds, rivers and brooks of Vermont we have the sturgeon, salmon, bass, pickerel, perch, shad, eel, pout, shiner, chub, minow, sucker, dace and trout.

Serpents are not very numerous in Vermont, owing doubtless to the severe cold climate. The

black snake and the rattlesnake are said to be poisonous; the green snake, striped snake and adder are harmless. The black snake and the rattlesnake have the power of charming birds and small animals, toads and frogs. There are well authenticated instances of this kind. It is one way they obtain their prey.

CHAPTER III.

THE INDIANS OF VERMONT, THEIR DEPREDATIONS, CRUELTY, CHARACTER AND MANNER OF LIFE.

Samuel Champlain was the first civilized man that discovered the lake bearing his name; he sailed up the Lake Champlain in the year 1609. At that time there were no European settlements in New England. The Indians held possession of the whole country. They cultivated but small portions of the land, and their agriculture was mainly limited to the raising of corn. The forests of this territory, in the valleys and on the hills and mountains, were the hunting grounds of the Indian tribes. The Mohicans, a minor tribe of the Iroquois, whose principal residence was at Albany, N. Y., claimed jurisdiction of this land and forest. Antiquities of an Indian character have been discovered in many parts of the State. On the island of South Hero they had a settlement near the Sand Bar that crosses the water into Milton; and another in Colchester. Arrows and other utensils have been frequently thrown up, on breaking the soil. The St. Francois Indians had a settlement of about fifty huts, and a considerable quantity of cleared land on which they raised corn, in Swanton. They also had a station in Newbury that they occupied in passing from the

tribes in New England to those upon the Lake Memphremagog.

Nathan Hoskins says in his history that, "The settlers of the town of Clarendon derived their title of lands from the Indians; and this was the only grant obtained from them in the State."

The Indians were well-formed, stood erect, and were of copper complexion, with long black hair and high cheek bones. Their women were treated more like brutes and servants than companions of human beings. The Indian disposition, created by long training and manners of life, was cruel and relentless. Tenderness and refined feeling in them were well nigh gone, and they did not look for pleasure in beauty, chastity and affection. They had no true system of language, no manuscripts or books, and no written history. Their traditional history was meager and covered but a short period of the past. They were strangers to civilization, and manifested but little or no disposition to learn and practice the ways of civilized life.

The Indians that inhabited New England and New York and rowed their barks over the surface of the adjacent lakes, delighted in hazardous and desperate undertakings, and sought their renown in their success. In his undertaking in his rude and destitute condition he exercised but little reason, and his ideas were few and narrow. When his life was not enlivened by the chase, or at war with the neighboring tribes, his time was spent in spiritless apathy and idleness. His political wants and regulations were but few; and he en-

gaged in war not so much for the welfare of his tribe as for revenge. His military operations were different from those of civilized nations. The object of the true soldier is to win a victory and succeed in the campaign with the shedding of as little blood as possible, but to obtain success without blood was considered a disgrace to a veteran savage. With him insult and violence, which would shock the heart of depravity, were both offered and endured without a look of pity or thought of regret. A display of fortitude in so dreadful a situation was regarded as a triumph by the Indian warrior. He boasted of his freedom and would not be subject to another.

The Indians in this land made no advance towards the discovery of letters, but seemed desirous to record the deeds of their warriors and victories, and this was done by rough figures and imitations carved or painted upon trees and rocks. Hoskins says in his History of Vermont published in 1831, that, "Ten or twelve figures of a superior workmanship, are wrought into the surface of a rock, at Bellows Falls, in Rockingham. The heads of men, women, and children, and some animals, are represented by these inscriptions. The outline of these figures are awkward and badly executed."

Previous to the American Revolution Lake Champlain was a great highway for the various tribes of Indians engaged in wars between themselves, and in the wars between the French in Canada and the English Colonies. At the time Champlain founded the Colony of Quebec, and circum-

navigated the lake which now bears his name, the tribe of Algonquins inhabiting Canada were at war with the powerful nation of Iroquois. Champlain and two Frenchmen, with a party of Indians of the Huron tribe, who had suffered severely from the inroads of the Iroquois, went on an expedition through Lakes Champlain and George, to avenge themselves upon their enemies. They had a skirmish with the Iroquois. The two Frenchmen were armed with muskets and obtained a complete victory over the Iroquois; this was the first time that that tribe had ever seen the effects of gun-powder. In this contest fifty of the Iroquois were killed and the remainder put to flight.

By the year of 1665, France had increased her military strength in Canada, and in that year went on an expedition against the Mohawks, one of the Five Nations, with a force of about 1400 men. This detachment marched by the way of Lake Champlain, on snow-shoes, and after great suffering came to a settlement at Schenectady, and a general peace was concluded with the Indian tribes in 1667. But peace with the savages was of short duration, and the Governor of Canada built forts Chambly and Sorel to prevent the Iroquois entering his province by the way of Lake Champlain.

In 1689, three expeditions were fitted out in the dead of winter by France against the English, one of which was against New York, under the direction of D'Aillebout, who had under his command about 200 Frenchmen and 50 Indians. They proceeded by the way of Lake Champlain

and arrived in the month of January, 1690, at Schenectady, a village on the Mowhawk. This expedition entered the village in the night of February 8, 1690, while the inhabitants were asleep, and invested every house in small parties at the same time, and the inmates were treated with the most inhuman barbarities. Their houses were set on fire, men, women and children were dragged from their beds and murdered. Sixty persons fell by the hand of the enemy, twenty-seven were carried away into captivity, and the remainder fled to Albany, through deep snow, twenty-five of whom lost their limbs by the severity of the weather. The enemy retreated and were followed by a party of young men from Albany, who took twen ty-five of their number prisoners.

Soon after, to retrieve this disaster and to keep alive hoslility towards the French, Major Schuyler of Albany placed himself at the head of a party of Mohawks, passed through Lake Champlain and made a vigorous attack upon the French Settlement on the river Sorel. In this encounter about 300 of the enemy were slain. This invasion of Canada excited the veteran Frontenac to return the call of the Mohawks by the same route; and on January 15, 1695, attacked the Mohawk castle, losing thirty men, but carried the Indian fortress and captured 300 Mohawks.

In 1704, the French and Indians under the command of DeRouville and his two brothers, with a force of 300 men, made an excursion against Deerfield, Mass. This force took their route by the way of Lake Champlain until they came to the

French (now Onion) River, passed up that stream and over to Connecticut River, upon which they traveled upon the ice to Deerfield, and entered the town in the night on the 29th day of February, 1704, killed in the most barbarous manner forty-seven of the men, women and children, set fire to the village and departed the same day in great haste, and carried 112 of the inhabitants into captivity.

The French in the year 1731, determined to make a nearer approach to Albany, and accordingly, in that year sailed through Lake Champlain with a considerable force and erected a fort at Crown Point. This fort was well calculated to serve their interests, as all attempts of the Indians of the Mohawk Valley, and of the English at the conquest of Canada, lay through the Lake Champlain route. The fort at this point secured the whole navigation of it, commanding a large portion of the English and Indian frontiers, furnishing a magazine of arms and ammunition to supply troops, providing an asylum for the Indians when retreating from their plundering and murdering expeditions against the English frontiers, and was of the highest importance to them.

The garrison was first stationed on the east side of the Lake, where the town of Addison now is, but afterwards established at Crown Point. During the war, declared by George the II., which continued four years from 1744, the Champlain Valley was frequented by scouting and navigating parties of French and Indians, who spread destruction and dismay by plundering, murdering,

and scalping wherever they could find defenceless individuals or settlements. In the summer of 1757, about six thousand Provincial troops under the command of Generals Johnson and Lyman, and a body of Indians under the directions of Hendrick, a Mohawk Sachem, had a bloody battle near the south end of Lake George, with the Indians and the French army under the command of Baron Dieskan, in which 700 of Dieskan's men were killed and 30 taken prisoners, and in which Baron Dieskan was slain. The loss of the Provincials was about two hundred.

It would be interesting to follow further the stirring events that took place along the western side of Lake Champlain and the eastern border of New York State, south of Lake Champlain, and recount the varying fortunes of the contending parties, though it would have but little to do with Vermont history. Suffice it to say, the English concentrated the Provincial forces to proceed to Montreal in the last English campaign against the French in Canada, in 1760; the conduct of the campaign was committed to Colonel Haviland. To facilitate the undertaking, General Amherst directed that a road should be opened from Number Four, on Connecticut River, across the Green Mountains to the waters of Otter Creek and down that river to Lake Champlain. In constructing this road it was found, that part of the way, one had, sometime before, been cut down the Creek to the Lake.

On the 13th of August, 1760, Haviland took the forces under his command and proceeded down the Lake and took the Isle Aux Nois, and the forts

at St. Johns and Chambly also fell into his hands. He then crossed over to Montreal, which surrendered on the 8th day of September, 1760, together with all the French settlements in this part of America. Thus ended the six years of war that had waged without much regard to the rules of war between civilized nations.

What great changes have been wrought resultant upon the termination of that contest between the French and the English, in favor of the latter. The contest having been settled in favor of the English, there followed a period of prosperity with the American Colonies, then the bloody Revolution of independence and the building of a great nation. Would this people have reached the high road of civilization, in which they stand to-day, if the fortunes of war had then favored the French nation? This may be a difficult question to answer. It is certain that our position as a people and a nation at the close of the ninteenth century, is the natural and inevitable result of the gathered past of its history. Our present condition has been brought about by evolution and revolution,—the two forces and action cannot be separated.

The early settlers in the territory of Vermont, then called New Hampshire Grants, were annoyed by the Indians till the termination of the Revolutionary war. The northern hives of Indians residing upon the Canadian frontier poured in upon the wilderness of New England, all through the French and American wars, carrying many of the settlers and their families into captivity. To pro-

tect the inhabitants, places were fortified on the banks of Connecticut River. Fort Dummer was built at Brattleboro, Forts Bridgman and Sartwell at Hinsdale, now Vernon.

In 1746, a party of twenty Indians attacked the men at Bridgman Fort, killed and wounded four, and took two prisoners; and in 1747, killed and carried several into captivity. In the month of July in the year 1755, the Indians ambushed Caleb Howe, Hilkiah Grout and Benjamin Gaffield. Howe was killed, Gaffield was drowned in attempting to escape across the river, and Grout escaped unhurt; but their wives and children were carried away as prisoners into Canada by the way of Crown Point and the lake, and sold to the French or distributed amongst the Indians.

On August 13, 1754, they surprised Charleston, New Hampshire, and made prisoners Messrs. Labree, Farnsworth, and a man by the name of Johnson and his family, all of whom were taken through the wilderness, the distance of two hundred miles, and after enduring untold suffering were ransomed and returned to their friends. While on their way to Canada they were encamped at Cavendish, where Mrs. Johnson had a daughter born, whom they named Captive.

A battle was fought at Newfane in 1756, between a party of thirty soldiers who were on their way from Charleston and Fort Hoosac in Massachusetts, commanded by Captain Melvin, and a superior force of Indians. Melvin was overpowered and retreated to Fort Dummer, leaving two killed and one missing in the hands of the Indians.

The settlers lived in a fearful state of apprehension for many years.

Before the Revolutionary war the Indians were incited to depredations and acts of bloodshed against the American settlements by the French—the French being at war with the English. During the Revolution the Indians continued their sudden invasions and savage warfare upon the inhabitants of the territory now called Vermont, and the adjacent Colonies of New Hampshire and Massachusetts, though under different masters, the British. George and Aaron Robinson were killed by them in 1777, in the town of Brandon, and many of its inhabitants were taken prisoner and their dwellings burned. In November, 1778, Major Carleton, an English officer, captured 39 men and boys at Bridport and adjoining towns, and carried them away to Canada. Elijah Grandy and Thomas Hinkly were discharged to return with the women and children to the American settlements, while the husbands and the elder sons were retained. The prisoners were taken to Quebec, arriving there the 6th day of Dec. 1778, and then detained till June, 1780, when they were taken down the St. Lawrence River ninety miles to work. A part of them made an effort to escape. Hoskins relates their experience to escape as follows:—

"On the night of the 13th of May, 1779, eight of them escaped and crossed the river, which here was 27 miles wide; by noon the next day they reached the opposite shore. They separated into two parties of four each. Messrs. Sturdifit, Ward,

and Smith, and one other, composed one company, and proceeded up the river, for Sorell. Most of the people treated them with kindness, until the 20th, when nearly opposite Quebec, the river was so swollen that they dare not attempt to cross it, and therefore, requested the aid of a Frenchman, whom they saw in the field. He conducted them to his house, where they were made prisoners by a French officer. All of them effected an escape, except Sturdifit, who remained a prisoner until the close of the war. Ward was separated from the Smiths a week, when he accidentally fell in with them. Two days after they came together, four Indians, with their guns and dogs, came upon them, whom they out-run through the night and the next day until noon, when they were taken by the Indians about six miles from Three Rivers, and imprisoned. One side of the prison, where they were committed, was wood, through which they cut a hole with an old jackknife, and in a week made an escape by a rope formed of their bed clothes, by which they let themselves down from a window, into a room adjacent to the prison. Fourteen days they eluded the search of the Indians by traveling in the woods, having crossed over from the north side of the St. Lawrence River. They reached the Sorell in the night, and the next day climbed the Chambly Mountains to take observations for directing their course through the forests of Vermont. They arrived at Missisquoi Bay, after four days travel through swamps and a dreary wilderness. During the whole route they subsisted entirely on what flesh

they killed and cooked in the woods. At Panton, they fell in with a scout of three Americans."

Lieutenant Benjamin Everest, during the first settlement of Vermont in 1769, was engaged with Col. Ethan Allen in suppressing Yorkers in their intrusion upon the inhabitants of Panton and New Haven; he received a commission from the Continental Congress, and was engaged in the battle of Hubberton in Col. Warner's regiment, and in the battle of Bennington, in the regiment commanded by Col. Herrick. Everest had the command of Fort Vengeance, at Rutland, and after, was taken by the British as a spy, and confined nine days in prison, and then taken to Canada in a prison ship. Believing his doom was certain if he could not escape, he by entreaties got his irons taken off and himself placed upon the quarter-deck, and there he got his guards intoxicated, and made his escape from the vessel by swimming ashore. He passed through the Indian encampment as a British officer and traveled in the night over the mountains west of Lake Champlain to Westport, and then crossed the Lake and made his way through the wilderness to Castleton. Afterwards, while on a scouting expedition, he was surprised by seven Indians and taken prisoner, and delivered to General Powers, who confined him in irons. He escaped and the whole encampment were out in search of him, but he eluded their grasp by concealment.

On August 9th, 1780, twenty-one Indians entered the township of Barnard and made prisoners of several persons as related in Vol. 1, on page

136 of this History. On October 16th, 1781, five men, who were on their way from the fort in Corinth on a scout down Onion River, were fired upon in the town of Jericho by a company of sixteen Tories. Three of the scouts were mortally wounded and died soon after, and were buried in Colchester, and the other two were taken to Quebec and there detained till the spring of 1782, when they were permitted to return.

A scouting party under command of Major Breckenridge annoyed the settlers of Newbury, killed one man and took others prisoners, then marched to Corinth where they obliged the inhabitants to take the oath of allegiance to the King of Great Britain. The settlement at Peacham, on the Hazen military road, was invaded by a party of French and Indians, who took Col. Elkins and several others prisoners. One hundred and fifty-one, in all, were sent to England and confined in prison, but in 1782, they were exchanged for the troops of Cornwallis.

During the war of the American Revolution the New Hampshire Grants were exposed to the depredations of the Indians and Tories and had their property burned or destroyed, and many were killed and tortured, and the people of many settlements lived in constant fear of being brought into a like situation.

The battle at Shelburne with the Indians, and the capture of the Brown family, are referred to in the first Volume on pages 115 and 302. The burning of Royalton is also referred to in the first Volume, but some additional facts as to that pil-

lage and massacre are here given. In 1780, Royalton, on White River, contained 300 inhabitants, and in October of that year 203 Indians and seven white men under command of Lieut. Horton, proceeded by way of Lake Champlain and Onion River, on an expedition against Newbury, for the purpose of capturing Lieut. Whitcomb, who, as they claimed, had wantonly shot General Gordon, an English officer, in July, 1776. This party became aware that Newbury had learned of their intentions and had prepared for defense; they therefore abandoned their contemplated attack on Newbury, and turned their attention towards Royalton and proceeded to Tunbridge, where they lay in their encampment during the Sabbath. On Monday, the 10th of October, they commenced their depredations at the house of John Hutchinson, taking him and his brother prisoners; then proceeded to Robert Haven's, where they killed Messrs. Button and Pember; from thence to Joseph Keeland's, and took him, his father, Simeon Belknap, Giles Gibbs and Jonathan Brown prisoners. They then went to the home of Elias Curtis and took him, John Kent and Peter Mason prisoners. When they arrived at the mouth of the stream called the Branch, they made a stand and sent out small parties from their body in different directions to plunder and bring in prisoners; they extended their ravages down the river into Sharon, taking two prisoners there and burnt several houses and barns.

Another party was sent up the river, took a young lad prisoner, plundered and set fire to the

house of General Stevens, and as they passed along set fire to buildings. They then crossed the hills to Randolph and camped for the night on one of the branches of White River. In the course of that day they had killed two persons, taken twenty-five prisoners, burnt twenty-five houses and about the same number of barns, killed 150 head of cattle and many hogs and sheep.

The attack with such large numbers was so sudden the people took no measures for defense, but alarm was immediately given, and several hundred from towns on Connecticut River promptly marched to the rescue and organized under the command of Captain John House, who began his march in search of the savage army which were overtaken. The Indian sentries were placed half a mile in the rear of the main body, near the path, behind some trees, who fired upon the American party, wounding one man. The Americans returned the fire, killing one Indian and wounding several. The Indians were alarmed and sent an aged prisoner to inform the Americans that if they made an attack they would put to death all the prisoners in their hands. The Indians tomahawked two of the prisoners, one because he would not march, and the other to retaliate for the death of the Indian who was slain by the Americans.

The Indians hastily retreated through Randolph and the west side of Brookfield, and thence down Onion River, and the lake to St. Johns and Montreal. One party of them passed over through Jericho, taking the Brown family, before

mentioned, on their way, captive. The Americans followed the Indians as far as Brookfield, and considering that further pursuit would be fruitless, returned. Those whom the Indians had taken prisoners and who did not try to escape and the women and children were treated with more lenity than the Indians had been accustomed to deal with them.

One woman had self-possession enough to address them in a bold and spirited manner. She told them, "that if they had the spirit and souls of men they would cross the stream, go to the fort and fight with the men." The Indians replied to her that "Squaw should not say too much." One woman, whose little boy the Indians had taken, followed them with her other children and entreated them to return him. Rather than contend with her earnest solicitations the Indians released him with ten or twelve other children belonging to her neighbors. At last, wishing to get rid of her importunities, an Indian politely offered to carry her over the stream on his back. She without hesitation accepted and he carried her safely over to the opposite bank.

When the Indians arrived at Montreal with their prisoners, many of them were sold to the British Colonel at eight dollars a head. All of those who remained alive were liberated and returned to their homes and friends the next summer. In the town of Hyde Park there lived two aged and infirm Indians by the name of Joseph and Molly who were treated as the wards of the State, and by an Act of the Legislature passed

November 7, 1792, John McDonald, Esq., was appointed their guardian and was directed to deliver to them "necessary supplies at such seasons of the year as they cannot supply themselves, not to exceed three pounds."

The Indians, the native of this land, called by some writers the man of America, differed in color, form, feature and language from any race of men on the face of the globe. What was the origin of this race? Did they arise from a lower state of being or organism in America, according to the principles of evolution as is the teachings of Darwin? or were their ancestors created by the fiat of God, about six thousand years ago, in Asia, and migrated to this country at some remote period? One writer says they were of the same complexion with the most ancient nation in Asia, and says, "from authentic documents, we are able to trace the existence and national transactions of the Hindoos to a greater antiquity than we can find within any other nation. And those were the red men of Asia, and the Indians of both continents are marked with the same peculiarity of color, a reddish brown." Their origin, and how they came here, is shrouded in obscurity and uncertainty.

It will be fitting here to give an accouut of the manner of life, habits and customs of the Indians. A true description of them will be as applicable to the tribes of other parts of the country as of those in Vermont. They subsisted upon berries and roots which the earth produced spontaneously, and cultivated in a quite limited extent Indian corn,

beans, pumpkins and squashes; but their main reliance for food was by fishing and hunting. Fish and game abounded in Vermont wilderness, but it was laborious business for the Indians to fish and hunt successfully as their weapons, the bow, arrow and club, and their fishing tackle, were of the most primitive kind, and had not the improved implements invented and made by civilized man. They were ingenious in devising means to take their game, and indefatigable and persevering in its pursuit, —the most dexterous hunter became the most distinguished savage of the tribe. When the season of the year was unfavorable for the taking their game, they were reduced to great want and their sufferings severe. He had a voracious appetite and was a great eater when food was abundant, and in times of famine he bore hunger with patience. His chief source of subsistence was hunting and fishing, consequently, a large territory became necessary for even a small tribe. Hostile tribes had to be kept at such a distance as not to encroach upon the territory or the game of the adjoining tribe.

Their government was of a primitive nature and simple in form, the design and object of which was not mainly for the protection of the property or security of the individual members of the tribe. The idea fixed and clear in their mind was that the fish in the river, the game in the forest, and the berries and roots they gathered from the forest for food, were not the product of his labor and therefore did not belong to him more than any other one of the tribe. But when anything was

obtained by the exertion of any particular person, no other savage doubted that it was his exclusive property. To the Indian, the river and the forest were public property to which every member had an equal and common privilege, and as to those matters seldom any controversy arose. The right of redressing private injury was generally left in private hands. If injuries were inflicted, it belonged to the friends and the family injured to seek redress. If the controversy or injury was not settled in a friendly way, the injured one sought his revenge and aimed at the destruction and death of the aggressor.

The whole tribe assembled together in their public councils. Having no writings, records or history to preserve the knowledge of their public transactions, therefore, the memory of the aged was relied on for early transactions. The matters brought before their councils were taken into consideration slowly, solemnly, and deliberately. The force and power of their government was placed wholly in public sentiment. Williams, says, in his history, that, "the chief has no authority to enforce his councils or compel compliance with his measures. * * * There is no appearance or mark of distinction; no ceremony or form of induction into office."

The tendency and effect of the savage government was equality, freedom and independence, among all the members of the tribe. As to their rights, the savages knew no superior, and had no idea of abasement, humiliation, dependence or servitude; hence it was impossible to hold them in

slavery, and where it has been attempted it has been a failure.

When the Indian prepared for war he took with him a bag of corn, his bow and arrow, club or tomahawk, which were his complete equipment for a campaign. While on the march they scattered into straggling companies, that they might better supply their needs by hunting, but when they drew near the enemy, they concentrated and proceeded with stratagem, and secrecy, and endeavored to draw their enemy into ambuscade. They would find and follow the track of an enemy with great ingenuity, and surprise them, and wait for the moment when they could find them the least able to defend themselves, and then attack with great fury. They will not come out into the open field and fight a battle, but always endeavor to secure themselves behind trees and rocks. They will seldom if ever attack a superior or an equal number of disciplined troops. When they make an attack it is with a force superior to their enemy,and commence the attack with a general outcry, terminating in a universal yell.

It is said that an Indian warwhoop is an awful and horrid sound. If they are successful then it is a scene of fury, impetuosity, vengeance, outrage and death. Revenge, at such a time, takes possession of the savage, and regardless of order, discipline and danger, seek only to butcher, burn and destroy, strip and scalp the dead, and then make a sudden and swift retreat. When prisoners were taken they were treated variously, and often inhumanly, but not often tortured or burnt at the stake.

The young men while in pursuit of food and on the chase were under the tutelage and direction of the most skillful and successful hunter, and in war followed the most brave and renowned. The education of the youth consisted in being trained as a dextrious hunter; to be patient, firm and persevering under great hardship and suffering, and to be inveterate and fierce in the destruction of enemies. The refinement of manners, and the government of passions were not attended to nor desired. The youth were trained to take care of themselves and to look for food and obtain honor, independence and superiority by their own exertions. The parent aimed to have his son inured to hardship and danger, and to bear fatigue, famine and even torture. The general appearance and demeanor of the Indians were grave and serious, even melancholy and sad, probably. caused by the constant hardship and danger they pass through.

The relations between the sexes were not so chaste and well regulated as in civilized life. The kind and just treatment of women, their beauty, refinment and intelligence depends upon the state of civilization that a nation has attained. With the Indian the women had no political rights, no voice with the tribe how they should be treated. They were treated as laborers and required to perform the most menial service, and were viewed by the male portion of the tribe as every way inferior: therefore they became degraded.

The clothing of the Indians consisted of skins and furs of animals, and they delighted in orna-

ments, and all the finery and decorations were reserved to the men. The nose and ears were decorated with pieces of shining stones, shells and gold; the face painted with bright colors and figures. They would anoint their bodies with some kind of grease or oil to protect them against insects to which they were exposed. The Indians outside of their favorite occupations of fishing, hunting and war, are inactive and indolent, spending their time lounging, eating and sleeping; have great aversion to labor; digging, toiling and cultivating the earth are beneath their dignity and honor. Their bodies, food, cooking and manner of life generally were filthy.

Although indolent and lifeless when not engaged in their favorite pursuits, they were enthusiastic and noisy in play, and delighted with music, but their songs are of a grave and serious nature. Songs for war, for victory and for death call forth their feelings and passions, and it is said that when burning at the stake their consolation is to sing the song of triumph and death. Dancing is a delightful recreation to them as it serves to excite their sensibility and calls forth their active powers, and with them is of great importance. With that ceremony war is declared, ambassadors are received and peace concluded. In the dance all of their actions, steps and expressions are expressive, and intended to represent the subject or business for which the dance is gotten up. If peace is made between hostile tribes, it is celebrated by a dance, the parties smoke the same pipe and join in the same dance, which is made to signify that the

hatchet is buried. This is different than the dance in civilized life which means nothing at all.

The Indians wear no beard, and it is said it is their universal and constant practice to pluck it out by the roots by instruments made for the purpose. The savages of North America were and are addicted to drunkenness. Even before they came in contact with Europeans they made a liquor of an intoxicating nature from maize. The Indians were not accustomed to lay any restraint upon their appetite, and after they came in contact with the white race and could procure liquor much more readily, and a larger supply than they had done among themselves, drunkenness became widespread among them; the use of liquor was more demoralizing than with the Europeans. The cruelty and barbarity of the Indian, especially while under the influence of liquor, was but little removed from the ferocity of wild beasts of prey.

These considerations show the manner of life of the original men of America. But many of their habits and ways of life were favorable to vigour and health of body, activity and courage, and the endurance of hardship, suffering, fatigue and hunger, through extremes of heat and cold. He had some redeeming qualities; he was magnanimous, and generous to friends; he remembered a kindness; the love of country was very strong with the savage, and therefore he desired to expand the national fame and conquest of his race; he seldom betrayed the interests or councils of his people or turned traitor to his country and his tribe.

There have been some Indian orators of no small ability; when he spoke, his speech was short, and his meaning conveyed in bold and strong metaphors and figures; he delivers himself with great force and propriety of gesture. None received promotion among them unless they distinguished themselves for bravery and met with success. If he in his undertakings proved unfortunate and an unsuccessful leader, he lost all his influence and reputation.

They knew nothing of modern education; it is said they could count to only about twenty, and therefore they would have but little use for arithmetic; when they desired to give an idea of large numbers they referred to the trees of the forests, or the hairs upon their heads. They had no name for any of the sciences.

The religious ideas of the Indians were weak and obscure. They denominated the Deity the Great Spirit, and believed in the immortality of the soul, and were led to that view by the voice of Nature; had no private or puplic devotion, nor any mode of worship. Therefore they had no priests nor houses of worship. With the Indians the divine, social and human virtues do not find a congenial soil—such qualities with them are few and weak.

Matters of art and domestic affairs, such as are found in civilized life, were very little attended to among the Northern Indians; spinning, weaving and knitting were unknown to them; their clothing was derived from hunting; their huts or wigwams were of the simplest construction, cov-

ered with limbs, leaves and bark, with a hole in the roof for the escape of smoke. Of the many and great uses of iron they were wholly ignorant, hence, the instruments for use to work the soil, or in wood, were of the most primitive nature; their axes were made of stone and their knives of shell or bone. Their instruments of war were the club made of hard wood, a lance pointed with a flint or bone, and the bow and arrow; their cookery hardly deserved the name; they baked their bread on coals; they boiled their meat and other food by filling a hollowed out log or stone with water, into which they put the raw article of food, and boiled it by throwing into it stones heated red hot.

They manifested considerable skill in constructing their canoe by hollowing out a tree, and from bark, and were equally dextrous in the management of them in passing through rough waters and over rapids and falls. Some of them had knowledge of medicines. Their medicines were made from wild plants and vegetables. Their knowledge of the curative qualities of their medicines was the result of such observation as experience naturally produced, and their improvement in this line was almost nothing.

The population of the Indian was very sparse. On the whole it would not exceed but about one person to the square mile. The difference between their numbers in a given territory, and those in a civilized country, is very great, which leads us to look for the cause in the manner of life of the savage. It probably was owing to his great irreg-

ularity of life, a want of suitable and nutritious food in sufficient quantities. From these causes they suffered; with them at one period it was gluttony and excess, and at another, deprivations, hunger and cold. Their life was made up of extremes. Constant fatigue and distress are unfavorable to increase of population. Their constant wars had also an unfavorable influence on the population; it swept off their most vigorous men. From these considerations we are led to say that it is only in the highest state of civilization that the human race can find the greatest increase of their numbers, knowledge, safety and happiness.

CHAPTER IV.

THE DIVISION OF VERMONT INTO COUNTIES AND CONGRESSIONAL DISTRICTS AND THE NORTHERN LINE OF THE STATE.

The division of the territory of New Hampshire Grants, and afterwards the State of Vermont, into Counties will next claim our attention. That part of the territory of the Grants lying east of the range of mountains was first called Unity County, but it was afterwards changed to Cumberland County in 1768, and later, Cumberland County was itself divided, the northern line of which was the south line of Thetford, Stratford and Tunbridge. It appears from the Documentary History of New York, that Gloucester County was formed February 28th, 1770, and was described as all that certain tract or district of land situated lying and being to the northward of the County of Cumberland: beginning at the northwest corner of said County of Cumberland; and thence running north as the needle points fifty miles; thence east to Connecticut River; thence along the west bank of the same river as it runs to the northeast corner of said County of Cumberland on the said river; and thence along the north bounds of the said County of Cumberland to the

place of beginning; and that the township of Kingsland be declared and appointed the County Town.

The petitioners set forth in their petition for the establishing of said County, that such of the petitioners as live to the northward of Cumberland are exposed to rapine and plunder from a lawless banditti of felons and criminals who fly thither from other places. And that it is impossible to obtain justice while they remain a part of the County of Albany, as the magistrate can have no eye upon those distant parts, nor can the petitioners procure officers to come thither, or they in their present state go to them; that there are upwards of seven hundred souls to the northward of the County of Cumberland, and that such is the quality and situation of the land, that under proper encouragement, and by the help of the overflowing of the neighboring Colonies, the whole country may in a few years be under actual cultivation. The County seat was afterwards fixed at Newbury.

The western part of the territory of the New Hampshire Grants, or so much of it as was claimed to be within the jurisdiction of New York, at an early day, was included within the boundaries of the New York Counties of Albany and Charlotte. It will be borne in mind that the County of Unity, the territory of which was afterwards called Cumberland and Gloucester, on the east side of the mountains, and the Counties of Albany and Charlotte on the west side of the mountains, were constituted and named by the New

York authorities, as they claimed the entire territory embraced within the limits of those Counties.

The County of Charlotte was formed in the year 1772. When the Green Mountain Boys declared the New Hampshire Grants an independent State, and as patriots pledged their property, honor and lives to maintain that declaration, and adopted the Constitution of the State in 1778, the names of Albany and Charlotte Counties were dropped, and all Western Vermont was included in Bennington County. It was this year that the west bank of Connecticut River was fixed as the eastern boundary of Vermont. While the County of Charlotte, lying north of the County of Albany, included a part of what now is the State of Vermont. Skeensborough (now Whitehall) of New York was its shire town.

By an Act passed by the State of Vermont in February, 1779, all Western Vermont to the south line of the Province of Quebec was included within the County of Bennington, and all Eastern Vermont to the south line of the Province of Quebec was embraced within the County of Cumberland, and the particular boundaries of the two Counties were given in said Act. At a session of the General Assembly held at Windsor in February, 1781, an Act was passed by which Bennington County was divided and its bounds limited to the territory of that County lying south of a line, beginning at the northwest corner of Rupert, running easterly on the north line of Rupert, Dorset and Bromley (now Peru), to the line of Cumberland County, with Bennington and Manchester estab-

lished as half shires, and all territory north of said line was constituted a separate County and named Rutland, with Tinmouth as its shire. By the same Act of the General Assembly of that year, Cumberland County and the entire eastern part of the State was incorporated into three Counties: viz. Windham, Windsor and Orange, and thus dropping the names of Cumberland and Gloucester. Windham embraced by the Act all that part of Cumberland County lying south of a line commencing at the southeast corner of Springfield, running westerly to the east line of Bennington County. Windsor embraced all territory lying north of Windham County and south of a line running from the north-east corner of Norwich, westerly on the north line of Norwich, Sharon, Royalton and Bethel, to the Bennington County line, and all remaining territory lying north of Windsor County, south of Canada line in Eastern Vermont, was established as a County by the name of Orange, with Thetford and Newbury as half shires.

Where half shires were established, the courts were set and held in those half shires alternately. While a union of a part of New Hampshire west of the Mason line, with Vermont, continued, the General Assembly of Vermont, at a session held in April, at Windsor, passed the following Act, viz:

"*Be it enacted*, etc., that all the lands within this State, on the east side of Connecticut River lying and being opposite the County of Orange, be, and hereby are, for the time being, annexed to the said County of Orange.

"*Be it further enacted*, that all the land lying and being within this State, on the east side of Connecticut River, opposite to the County of Windsor, and northward of the northerly lines of Claremont, Newport, Unity and Wendal, be, and hereby are, for the time being, annexed to the County of Windsor.

"*And be it further enacted*, that all the lands within this State, on the east side of Connecticut River southwardly of the northwardly lines of the towns of Claremont, Newport, Unity and Wendal, be, and hereby are, for the time being, erected into one entire and distinct County, by the name of Washington County." The territory claimed by Vermont on the east side of Connecticut River, was by an Act passed at the same session divided into four probate districts, viz.: the districts of Keene, Claremont, Dresden and Haverill. While the union of a part of New Hampshire west of the Mason line remained with Vermont, the towns east of Connecticut River lying and being opposite of the Counties of Windsor and Orange, were, by an Act of the General Assembly, annexed to the County opposite on the west of said river.

On the 27th day of February, 1787, the General Assembly passed an Act defining the boundaries and limits of the several Counties of Bennington, Windham, Windsor, Rutland and Orange and constituting the County of Addison, leaving Rutland County substantially as it now is. The boundary lines of Addison County began at the north-west corner of Rutland County, thence

north on the west line of the State to the forty-fifth degree of latitude, thence east to Orange County, thence south on the west line of Orange County to the north line of Rutland County. By this division of the State it brought Addison and Orange together as adjoining Counties, both extending north to Canada line.

At the October session of the Grand Assembly of 1787, an Act was passed October 22, restricting the limits of Addison County, and forming Chittenden County; the dividing line between it and Addison County commenced at the south-west corner of Charlotte, thence east on the north line of Ferrisburgh and Monkton to the north-east corner thereof, thence south on the east line of Monkton to the north line of Pocock, (now Bristol) thence south to the north-west corner of Lincoln, thence the most direct course eastwardly between towns on town lines, until it intersected with the west line of Orange County. All territory north of said line to the north line of the State was named Chittenden County; and it was provided that the courts for that County, for the time being, should be held at Colchester. By an Act passed October 22nd, 1790, the towns of Windsor and Woodstock should be half shires of Windsor County, and the courts to be held alternately at those places.

Vergennes was taken from the towns of New Haven, Panton and Ferrisburgh and was by an Act of the General Assembly, passed October 23rd, 1788, incorporated as a city. It has the distinction not only of being the oldest city of Vermont,

but the oldest incorporated city in New England—incorporated thirty-three years before Boston, Mass. Boston was incorporated February 23, 1822, then numbering 43,000 inhabitants.

By an Act of the General Assembly passed November 5, 1792, Orange and Chittenden Counties were divided and limited. And from said two Counties there were constituted the Counties of Franklin, Caledonia, Essex and Orleans. Orange County was limited to 20 towns, Caledonia to 21 towns and some gores, and Essex embraced all the remaining towns of Orange County except Greensborough, Glover, Barton, Brownington, Navy, Caldersburgh and Holland. The north line of Chittenden County was fixed; beginning at the east side line of then Orange County at the north-east corner of Worcester and running on the north line of Worcester, Stowe, Mansfield, Underhill, Westford and Milton to Lake Champlain to the northward of South Hero and through the deepest channel and water between North and South Hero and west to the deepest channel of the lake, and all territory north of said line was instituted and named Franklin County, the east line of which ran southerly from Canada line between Carthage and Richford, and between Westfield and Montgomery, excluding Belvidere and to the north-west corner of Eden, and on the west line of Eden to Hyde Park, and thence on between Hyde Park and Johnson, and between Morristown and Sterling to the north line of Chittenden County. Orleans County was constituted and formed by the same Act from the remaining towns of Orange

County and the towns of Elmore, Morristown, Eden, Hyde Park, Wolcott and Greensborough. It was provided by the Act, constituting these new Counties, that the court business was to be done in certain other Counties till courts should be established in the new ones.

By an Act of the General Assembly passed November 9, 1802, a County was formed from the towns of South Hero and Middle Hero and islands near, of Chittenden County, and North Hero, Isle LaMotte and Alburgh from Franklin County and was named Grand Isle County.

By an Act of the Legislature passed November 1, 1810, a County was formed from the towns of Fayston, Duxbury, Waterbury, Waitsfield, Worcester, Middlesex, Moretown and Stowe of Chittenden County, from Montpelier, Calais, Marshfield and Plainfield of Caledonia County, and from Barre, Berlin and Northfield of the County of Orange; and this new County was named Jefferson, but by the Act of November 8, 1814, the name was changed to Washington. Montpelier became its shire, and is the Capital of the State.

At this writing there are five incorporated cities in the State: viz. Vergennes, incorporated in 1788; Burlington, incorporated in 1864; Rutland, incorporated 1888; and Montpelier and Barre, incorporated in 1894, and St. Albans, incorporated in 1896. By Acts passed by the Vermont Assembly October 26, 1835, and October 1836, Lamoille County was formed from towns taken from Franklin, Chittenden, Orleans and Washington Counties. Hyde Park became the shire town of Lamoille County.

On January 27th, 1791, the General Assembly passed an Act dividing the State into three Congressional Districts: Bennington and Windham Counties forming the First District; Windsor and Orange the Second District; and Rutland, Addison and Chittenden the Third District; but as Congress was not expected to admit only two representatives when the State should be admitted, and in such case, the Counties on the west side of the mountains were to form the First District, and those on the east side, the Second. When the State was admitted by vote of the Senate, February 12, and by the House, February 18, but two representatives were assigned to the State. And by Act of November 8, 1792, the two Congressional Districts were established, one on the east, and the other on the west of the mountains.

In 1796, there was a difference of opinion with some and a question made as to whether there was not a strip of land lying between what was treated as the north line of Vermont and the true line between Vermont and Canada, as made by the treaty between the United States and Great Britain. William Coit of Burlington represented to the General Assembly that he had examined the supposed north line of the State, and had with Mr. Collins, then late surveyor of the Province of Canada, who made said line, and found the line varying so far south of the forty-fifth degree of north latitude as to embrace within Canada lands really belonging to Vermont to the amount 23, 040 acres. The Assembly appointed a committee to confer with the Surveyor General Whitelaw re-

specting the lands. The committee reported they could not ascertain that there were any such vacant lands. By the treaty of Washington of 1842, on boundaries, the line run by Collins and Valentine in 1772–3–4 was agreed upon as the boundary line, and commissioners were appointed to mark the line. The joint report of these Commissioners, made April 20, 1848, stated in substance, that they had explored the Valentine and Collins line and found the blazes on the original forest trees that indicated it was marked at the time Valentine and Collins ran the line, and that the committee were satisfied that the line they found, was the one mentioned in the treaty, although it was not a straight line, and that the western portion of it was about a half-mile north of the true parallel of latitude 45 degrees. So that it appears that all the maps which give the northern boundary of the State on or below the parallel of latitude 45°, are erroneous.

CHAPTER V.

THE COMMENCEMENT OF THE CONTROVERSY OF THE GRANTS WITH NEW YORK AND THE STAND THE GRANTS TOOK IN THE REVOLUTIONARY STRUGGLE.

The general political history of the territory now known as the State of Vermont, down to the time it was admitted as one of the States of the American Union in 1791, was embraced in the first volume. In this chapter it will be our endeavor to supply some facts and incidents that occurred during the time covered by that volume, and give the substance, at least, of some papers and documents, not heretofore given, that were brought into existence during that time, that will serve to make the history more complete, and show the courage, capacity and the indomitable energy of the Green Mountain Boys.

The first uprising in the New Hampshire Grants against the New York land jobbers was mainly started in the western part of the Grants; the State government originated in that uprising, and was to a large extent the work of the Chittendens, the Allens, the Fays and the Robinsons, all of whom resided on the west side of the Green Mountains. That part of the territory east of the mountains was nominally under the jurisdiction of

New York, and for many years its leading men, at least the majority of them, were content to submit to it. Although they were willing to submit to the authority of New York, most of them were Whigs, as were nearly all of the leading men west of the mountain; and ultimately the Whigs, of both sides of the mountain, were active in getting rid of Tories and in establishing the independent State of Vermont. Hence the early meetings and conventions held by them, and the efforts put forth by them resulting in Vermont becoming the fourteenth State of the American Union, should be related as a part of the history of the State. Previous to 1791, the territory east of the Green Mountains contained the largest part of the population of Vermont; up to 1771, the population of Cumberland and Gloucester Counties (which now embrace Windham, Windsor and Orange) contained about two-thirds of the people of the whole territory, but in 1791, the number on the east side of the mountains were 43,970, and on the west side 41,569.

As soon as the people of the American Colonies began to take a strong and determined stand against the oppressive acts of Great Britain, there began to be a determination to overawe the adherents of Great Britain who were called Tories; there was a determination to root out all Tory sentiment. When the people of the New Hamp shire Grants began to put forth efforts to shake off New York authority and to prevent its interfering with the grants obtained from Governor Wentworth, the Tory part took sides against the Grants.

A committee of correspondence of fifty members was formed in New York, May 10, 1774, for the purpose of eliciting the sentiment of the people of the Colonies on the measures of the mother country concerning the Colonies. Isaac Low, a leading merchant of New York, an ardent Whig, was appointed its chairman May 23, 1774. Two days before his appointment he addressed a letter to supervisors of Cumberland County, asking information as to the sentiment of the people. The supervisors met in June 1774, but endeavored to conceal the purpose of the letter, it was supposed on account of their Tory sympathies. Low stated in the letter, "Let us with the brave Romans, consider our ancestors and our offspring. Let us follow the example of the former, and set an example to the latter. Let us not be like the sluggish people, who through love of ease bow themselves and become servants to tribute, and whom the inspired prophet, their father, justly compared to asses. Had I the voice which could be heard from Canada to Florida, I would address the Americans in the language of the Roman patriot." This was patriotic language, but its sentiment was not carried out by him. Although Low was a member of the first Continental Congress, he became a Loyalist when the British army controlled New York, to save his property, as he was a man of great wealth. The Whig government of the State of New York, however, attainted him and confiscated his property. The letter referred to was procured of the supervisors through the efforts of Doct. Reuben Jones of Rockingham and

Capt. Azariah Wright of Westminster, who heard of its existence; and a copy of it was sent to several towns. The result was a County convention was called to take into consideration the subject matter of the letter and the preparing a report to the New York committee of correspondence. Following the circulation of the copy of said letter a meeting was called in the town of Chester by the supervisor and clerk to be held October 10th, 1774, which resulted in passing the following resolves; viz.

"First, that the people of America are naturally entitled to all the privileges of free born subjects of Great Britain, which privileges they have never forfeited. Secondly, resolved that every man's estate, honestly acquired, is his own and no person on earth has a right to take it away without the proprietor's consent, unless he forfeits it by some crime of his committing. Thirdly, resolved that all Acts of the British Parliament tending to take away or abridge these rights, ought not to be obeyed. And fourthly, resolved that the people of this town will join with their fellows, American subjects, in opposing in all lawful ways every encroachment on their natural rights."

Following the meeting at Chester, a Cumberland County convention was called and held at Westminster on the 19th of October, 1774, at which delegates from Townsend, Chester, Hartland, Westminster, Halifax, Marlborough and Woodstock, at least, attended, and at which they took into consideration Mr. Low's letter above re-

ferred to, the Act of the British Parliament in laying a duty or tax on tea, the Boston Port Bill, and other Acts. The convention appointed a committee to take those subjects into consideration and report to the convention. The committee reported that,—

"This County being in its infant state, contending with the hardships of subduing the wilderness, and converting it into fruitful fields, being situated here in a corner, at a considerable remove from the populous, civilized parts of the country, conceive they, by their own experience, in a small degree feel the sufferings of their ancestors.

"The first planters in America endured hunger, cold, and other distresses, until they, by their arduous industry, found suitable relief from their bountiful fields and their own expenses; and as the people of this County were chiefly born in some one or other of the New England Provinces, and conceive them to be at least as loyal to the King as any subjects he can boast of, are surprised to find, by the late Acts of Parliament, that all Americans are deprived of that great right of calling that their own, which they by their industry have honestly acquired; are surprised to find a power arise in Britain, which, with impunity say, they have a right to bind the Colonies in all cases whatsoever, and attempt to exercise that authority, by taking, at their pleasure, the properties of the King's American subjects without their consent, especially since some of the former Kings of Great Britain by charter granted to their subjects in New England, their heirs, and assigns, and all

others who should settle within certain boundaries, divided into Colonies, all the liberties and privileges of natural free-born subjects of England; yet, notwithstanding this, that such a power should arise under the mere inspection of the King, unrebuked, to claim all American property, and actually to take as much as they please, in direct breach of the solemn compact between a former King, on his part, and his successors, made with the first planters of these Colonies, and others that after should be born among them, or join them, or be born on the seas when going thither; and we do not conceive those whose rights are as aforesaid solemnly declared, are more sacred in respect of the security of their property, than the right of this and other Colonies whose rights are only natural as British subjects; for he who has nothing but what another has power at pleasure lawfully to take away from, has nothing that he can call his own, and is, in the fullest sense of the word, a slave—a slave to him who has such power; and as no part of British America stipulated to settle as slaves, the privileges of British subjects are their privileges, and whoever endeavours to deprive them of their privileges is guilty of treason against the Americans, as well as the British Constitution. Therefore *Resolved*,

"I. That as true and loyal subjects of our gracious Sovereign, King George the Third of Great Britain, &c., we will spend our lives and fortunes in his service.

"II. That we will defend our King while he reigns over us, his subjects, and wish his reign

may be long and glorious, so we will defend our just rights, as British subjects, against every power that shall attempt to deprive us of them, while breath is in our nostrils, and blood in our veins.

"III. That considering the late Acts of the British Parliament for blocking up the port of Boston, &c., which we view as arbitrary and unjust, inasmuch as the Parliament have sentenced them unheard, and dispensed with all the modes of law and justice which we think necessary to distinguish between lawfully obtaining right for property injured, and arbitrarily enforcing to comply with their will, (be it right or wrong,) we resolve to assist the people of Boston in the defence of their liberties to the utmost of our abilities.

"IV. Sensible that the strength of our opposition to the late Acts consists in a uniform, manly, steady, and determined mode of procedure, we will bear testimony against and discourage all riotous, tumultuous, and unnecessary mobs which tend to injure the persons or properties of harmless individuals; but endeavour to treat those persons whose abominable principles and actions show them to be enemies to American liberty, as loathesome animals not fit to be touched or to have any society or connection with."

These meetings and conventions served to stir up the people and set them firmly against British oppression. Following this convention Lieut. Leonard Spaulding, a bold and a most ardent Whig of Dummerston, was committed by a Sheriff

and his deputies to the common gaol for high treason against George the Third. The next day, October 29th, 1774, the majority of the people of that town met on the green and chose a committee to better secure and protect their rights from the ravages of the British tyrant and his New York and other emissaries. A committee of five were chosen who, in about eleven days, proceeded to the gaol and released Spaulding from his confinement. The official account of the action of the committee is as follows: "The plain truth is, that the brave sons of freedom whose patience was worn out with the inhuman insults of the imps of power, grew quite sick of diving after redress in a legal way, and finding that the law was only made use of for the emoluments of its creatures and the emissaries of the British tyrant, resolved upon an easier method, and accordingly opened the gaol without key or lockpicker."

Said Lieut. Leonard Spaulding came first into notice as a resident of Putney in 1768. From the outset of the controversies he was widely known as an outspoken and sturdy enemy of the Tories and Yorkers, and as such, was a favorite with the Whigs who were generally strong adherents of the Continental cause, and numbered as the Green Mountain Boys. In 1771, a judgement had been recovered against Spaulding in a New York court, and the officer in serving the papers had seized a portion of his property and held it in his custody, thereupon, a large party crossed Connecticut River from New Hampshire into Putney, broke open the enclosure, and rescued the property. In

1774, Spaulding had become a citizen of Dummerston and was so free in the expression of his Whig sentiments, that he received special attention from the royal authorities; he having thrown out some words unfavorable to the British tyrant (referring to the King) relating to the Quebec Bill, by which, he said "George III is made pope of the English Government," and that "one man they put into close prison for high treason, and that all they proved against him was, that he said, if the King had signed the Quebec Bill it was his opinion that he had broke his Coronation oath." For this pretended crime Spaulding was imprisoned eleven days for treason. It took three or four Yorkers to conquor him when he was committed. His friends went and opened the prison door and let him go, they doing no violence to any man's person or property. This imprisonment in no measure dampened the patriotic zeal of Spaulding who was in 1775, conspicuous among those who resented the Westminster massacre by arresting the royal officers; he, in 1776, at the head of a military force, held in duress Judge and Colonel Samuel Wells, a wealthy citizen of Brattleboro and a leader among the Tory Yorkers. Spaulding afterwards made suitable confession and apology for the taking Colonel Wells. In 1781, the Vermont government, by way of conciliation appointed two well known Yorkers to office—men who were officials under New York at the time of the Westminster massacre, but Lieut. Spaulding united with others in sending an indignant remonstrance to the Governor and Council against the appoint-

ment, which had the effect to delay but not to prevent them from being commissioned. Spaulding was a delegate in all the conventions called in the interest of the Grants, after September 24th, 1776, and represented Dummerston in the General Assembly of March 1778, and for the years 1781, 1784, 1786 and 1787.

On October 14th, 1774, the Continental Congress discussed and adopted the following declaration and resolves: viz.

"Whereas, since the close of the last war, the British parliament, claiming a power, of right, to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these Colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting said duties, but for the trial of causes merely arising within the body of a county:

"And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the crown alone for their salaries, and standing armies kept in time of peace: And whereas, it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the eighth, colonists may be transported to England, and tried there upon accusations of treasons and misprisions, or con-

cealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned:

"And whereas, in the last session of parliament, three statutes were made: one entitled 'An act to discontinue, in such manner and for such time as are therein mentioned, the landing or discharging, lading, or shipping of goods, wares and merchandize, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, in North America;' another entitled 'An act for the better regulating the province of Massachusetts-Bay in New England;' and another entitled 'An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay in New England;' and another statute was then made, 'for making more effectual provision for the government of the province of Quebec, &c.' All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights:

"And whereas assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt by his majesty's ministers of state:

"The good people of the several colonies of New Hampshire, Massachusetts-Bay, Rhode Island

and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New-Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, are justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet, and sit in general Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted: Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of obtaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, DECLARE,

"That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:

"RESOLVED, N. C. D. 1. That they are entitled to life, liberty, and property: and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

"RESOLVED, N. C. D. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties and immunities of free and natural born subjects, within the realm of England.

"Resolved, N. D. C. 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

"Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative Council: and as the English Colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: But from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are, bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects, in America, without their consent.

"Resolved, N. C. D. 5. That the respective colonies are entitled to the common law of Eng-

land, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

"Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

"Resolved, N. C. D. 7.—That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

"Resolved, N. C. D. 8.—That they have a right peaceably to assemble, consider of their grievances, and petition the King, and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

"Resolved, N. C. D. 9.—That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

"Resolved, N. C. D. 10.—It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

"All and each of which the aforesaid deputies, in

behalf of themselves, and their constituents, do claim, demand and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

"In the course of our inquiry, we find many infringements and violations of the foregoing rights, which from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war [with France,] which demonstrate a system formed to enslave America.

"Resolved, N. C. D.—That the following acts of parliament are infringements and violations of the rights of the colonists, and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and American colonies, viz. [Here several acts are specified, including those named in the preamble, and the objectionable features of some of them are stated, such as the establishment of the Roman Catholic religion by the Quebec bill, for example.]

"Also, that the keeping of a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

"To these grievous acts and measures, Americans cannot submit, but in hopes their fellow subjects in Great Britain will, on a revision of them,

restore us to the state, in which both countries found happiness and prosperity, we have for the present, only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association; 2. To prepare an address to the people of Great Britain and a memorial to the inhabitants of British America; and 3. To prepare a royal address to his majesty, agreeable to resolutions already entered into."

And on October 20, 1774, Congress adopted and signed the following Articles of Association: Viz.

"WE, his majesty's most loyal subjects, the delegates of the several colonies of New Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower Counties of New-Castle, Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, deputed to represent them in a continental Congress,' held in the city of Philadelphia, on the fifth day of September, 1774, avowing our allegiance to his majesty, our affection and regard for our fellow-subjects in Great Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions, at those grievances and distresses, with which his majesty's American subjects are oppressed; and having taken under our most serious deliberation, the state of the whole continent, find, that the present unhappy situation of our affairs is occasioned by a ruinous system of colony administration, adopted by the British ministry

about the year 1763, evidently calculated for enslaving these colonies, and with them, the British empire. In prosecution of which system, various acts of parliament have been passed, for raising a revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alleged to have been committed in America: And in prosecution of the same system, several late, cruel, and oppressive acts have been passed, respecting the town of Boston and the Massachusetts-Bay, and also an act for extending the province of Quebec, [to the Ohio and the Mississippi rivers, embracing the present states of Ohio, Michigan, Indiana, Illinois, and Wisconsin,] so as to border on the western frontier of these colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country; thus by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant colonies. whenever a wicked ministry shall chuse so to direct them.

"To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects, in North America, we are of opinion, that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure: And, therefore, we do for ourselves, and the inhabitants

of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honor and love of country, as follows:

"First, That from and after the first day of December next, we will not import, into British America, from Great-Britain or Ireland, any goods, wares, or merchandize whatsoever, or from any other place, any such goods, wares, and merchandize, as shall have been exported from Great-Britain or Ireland; nor will we, after that day, import any East-India tea from any part of the world; nor any molasses, syrups, paneles, coffee, or pimento, from the British plantations or Dominica; nor wines from Maderia, or the Western Islands; nor foreign indigo.

"Second, We will neither import or purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

"Third, As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we as above, solemnly agree and associate, that from this day, we will not purchase or use any tea, imported on account of the East India company or any on which a duty hath been or shall be paid; and from and after the first day of March next, we will not purchase or use any East-India tea whatever; nor will we, nor shall any person for or under us, purchase or use any of those goods, wares,

or merchandize, we have agreed not to import, which we shall know or have cause to suspect, were imported after the first day of December, except such as come under the rules and directions of the tenth article, hereafter mentioned,

"Fourth, The earnest desire we have not to injure our fellow-subjects in Great-Britain, Ireland, or the West-Indies, induces us to suspend a non-exportation, until the tenth day of September, 1775; at which time if the said acts and parts of acts of the British parliament hereinafter mentioned are not repealed, we will not directly or indirectly, export any merchandize or commodity whatsoever to Great-Britain, Ireland or the West-Indies, except rice to Europe.

"Fifth, Such as are merchants, and use the British and Irish trade, will give orders, as soon as possible, to their factors, agents, and correspondents in Great-Britain and Ireland, not to ship any goods to them, on any pretense whatsoever, as they cannot be received in America, and if any merchant residing in Great-Britain or Ireland, shall directly or indirectly ship any goods, wares or merchandize, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made public; and on the same being so done, we will not, from thenceforth, have any commercial connections with such merchant.

"Sixth, That such as are owners of vessels will give positive orders to their captains or masters, not to receive on board their vessels any goods

prohibited by the said non-importation agreement, on pain of immediate dismission from their service.

"Seventh, We will use our utmost endeavours to improve the breed of sheep, and increase their numbers to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the West-Indies, or elsewhere, and those of us who are or may become overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbors, especially to the poorer sort, on moderate terms.

"Eight, We will, in our several stations, encourage frugality, economy, and industry, and promote agriculture, arts and manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock fighting, exhibitions of shews, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families, will go into any further mourning-dress, than a black crape or ribbon on the arm or hat, for gentlemen, and a black ribbon and necklace for ladies, and we will discontinue the giving of gloves and scarves at funerals.

"Ninth, Such as are venders of goods or merchandize will not take advantage of the scarcity of goods, that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do, for twelve

months last past.—And if any vender of goods or merchandize shall sell any such goods on higher terms, or shall, in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his or her factor or agent, at any time thereafter, for any commodity whatever.

"Tenth, In case any merchant, trader, or other person, shall import any goods or merchandize, after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either re-shipped or delivered up to the committee of the county or town, wherein they shall be imported, to be stored at the risque of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid; and in the last-mentioned case, the owner or owners of such shall be reimbursed out of the sales, the first cost and charges, the profit, if any, to be applied toward relieving and employing such poor inhabitants of the town of Boston, as are immediate sufferers by the Boston port-bill; and a particular account of all goods so returned, stored, or sold, to be inserted in the public papers; and if any goods and merchandize shall be imported after the first day of February, the same ought forthwith to be sent back, without breaking any of the packages thereof.

"Eleventh, That a committee be chosen in every county, city and town, by those who are qualified to vote for representatives in the legisla-

ture, whose business it shall be attentively to observe, of all persons touching this association; and when it shall be made to appear, to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the case to be published in the gazette, to the end that all such foes to the rights of British-America may be publicly known, and universally contemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her.

"Twelfth, That the committee of correspondence, in the respective colonies, do frequently inspect the entries of their custom-houses, and inform each other, from time to time, of the true state thereof, and of every other material circumstance that may occur relative to this association.

"Thirteenth, That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

"Fourteenth, And we do further agree and resolve, that we will have no trade, commerce, dealings or intercourse whatsoever, with any colony or province, in North-America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

"And we do solemnly bind ourselves, and our constituents, under the ties aforesaid, to adhere to

this association, until such parts of the several acts of parliament, passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups, paneles, coffee, sugar, pimento, indigo, foreign paper, glass, and painters' colors, imported into America, and extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed. And until that part of the act of the 12 G. 3, ch. 24, entitled, 'An act for the better securing his majesty's dockyards, magazines, ships, ammunition, and stores,' by which any persons charged with committing any of the offences therein described, in America, may be tried in any shire or county within the realm, is repealed—and until the four acts, passed the last session of parliament, viz. that for stopping the port and blocking up the harbour of Boston—that for altering the charter and government of the Massachusetts-Bay—and that which is entitled, 'An act for the better administration of justice, &c.'—and that 'For extending the limits of Quebec, &c.' are repealed. And we recommend it to the provincial conventions, and to the committees in the respective colonies, to establish such farther regulations as they may think proper, for carrying into execution this association."

These articles were signed by the President,

Peyton Randolph, and all of the delegates of the twelve States that composed the Confederacy, except those of Georgia, who did not take their seats in Congress till Sept. 13, 1775. The sentiment of the people of the country in 1774 and 1775, including the people of the New Hampshire Grants, against the British government, was more unanimous than at a later date, when many began to count the cost of rebellion against the British government; that unanimity was shown by the general sympathy spontaneously expressed for the persecuted people of Boston. Vermont was not then in a position to declare the sentiment of her people on the journals of Congress, but it was declared in town meetings and conventions. When the above mentioned resolutions and articles of association became known it stirred up a patriotic feeling in many of the towns. John Hazeltine, by the advice of some of the leading men of the County of Cumberland, issued a circular calling a convention of delegates to meet at Westminster on November 30, 1774. The two delegates from Chester were instructed to use their best endeavours to procure a vote of thanks to the Continental Congress for their good service. Their delegates were also directed to procure and convey certain instructions to Samuel Wells and Crean Brush, the representatives of the County in the New York legislature, one of which was to exert their best skill and wisdom to choose deputies to represent New York in the Congress of the Colonies called to meet at Philadelphia the next May. The people of Dummerston gave their delegates

similar instructions, and adopted other measures showing the earnest patriotism of the town: it was an order to assess the town sufficient to procure 100 weight of gun powder, 200 weight of lead and 300 flints for the town use. The tax was made payable in potash salts. The convention was held pursuant to the call and adopted the congressional resolves and promised religiously to adhere to the Articles of Association. It was moved in the convention that a committee of inspection be chosen in the County to perform the service mentioned in the eleventh article. This was opposed by John Grout of Chester and Samuel Wells of Brattleboro—both being Tories, and none were appointed by the convention. The people of Dummerston were dissatisfied with this failure to appoint such committee, and called a town meeting to be held January 3, 1775, at which meeting seven persons were chosen as a committee of inspection, "whose business it was to watch the conduct of the inhabitants and exclude Tories and negligent Whigs from every public office." They removed from town office two of the town assessors, for refusing to execute the vote of the town as to ammunition; disarming a citizen who was supposed to be a Tory; and prevented another town officer from performing his official duties until he by his conduct proved himself to be a Whig. This example thus set by Dummerston was generally adopted by other towns afterwards. The public pulse was best ascertained through the action of town-meetings at which every adult male, residing within the limits

of the township, was expected to be present and was at liberty to address the meeting and to vote upon any question that came up for consideration. These local meetings were liable to be called at any time as the exigencies of the situation and times demanded.

At a meeting of committees that had been appointed by inhabitants on the east side of the range of the Green Mountains, held at Westminster, on the 11th day of April, 1775, it was voted "as our opinion, that our inhabitants are in great danger of having their property cruelly and unconstitutionally taken from them by the arbitrary and designing administration of the government of New York; sundry instances having already taken place; and that the lives of those inhabitants are in the utmost hazard and imminent danger, and that it is the duty of said inhabitants, as predicated on the eternal and immutable law of self-preservation, to wholly renounce and resist the administration of the government of New York, till such time as the lives and property of those inhabitants may be secured by it, or till such time as they can have opportunity to lay their grievances before his most gracious Majesty in council, together with a proper remonstrance against the unjustifiable conduct of that government, with an humble petition, to be taken of so oppressive a jurisdiction, and either annexed to some other government, or erected and incorporated into a new one, as may appear best to the said inhabitants, to the royal wisdom and clemency, and to such time as his Majesty shall settle

this controversy." The meeting chose Colonel John Hazeltine, Charles Phelps, Esq. and Colonel Ethan Allen as a committee to prepare the remonstrance and petition.

At a full meeting of delegates from the several towns in the County of Cumberland, a colony of New York, convened at Westminster June 6, 1775, and in keeping with the sentiment expressed at the previous meeting of April 11th, passed the following resolves, Viz:—

"1. RESOLVED, That the late Acts of the British Parliament, passed in order to raise a revenue in America, are unjust, illegal, aud diametrically opposite to the Bill of Rights, and a fundamental principle of the British constitution, which is, 'that no person shall have his property taken from him without his consent.'

"2. RESOLVED, That we will resist and oppose the said Acts of Parliament, in conjunction with our brethren in America, at the expense of our lives and fortunes, to the last extremity, if our duty to God and our Country require the same.

"3. RESOLVED, That we think it needless to pass many resolves, exhibiting our sentiments with regard to the unhappy controversy subsisting between Great Britain and America. Let it suffice, therefore, that we fully acquiesce with what our brethren have lately done at New-York, in their late Association; and it is hereby resolved that the late Association entered into at New York is perfectly agreeable to the sentiments of the freeholders and inhabitants of this County, and that they fully acquiesce in the same.

"4. Resolved, That this County is at present in a very broken situation with regard to the civil authority. We therefore sincerely desire that the advice of the honorable Congress may be by our Delegates transmitted to us, whereby some order and regularity may be establised among us. We therefore should take it as a favour if the honourable Congress would particularly recommend to us in this County some measures to be pursued by us the inhabitants of the same; for we are persuaded their advice herein would have great weight to influence our people universally to pursue such measures as would tend to the peace, safety, and good order of this County for the future.

"5. Resolved, That we, the inhabitants of this County, are at present in an extremely defenceless state with regard to arms and ammunition. We sincerely desire the honourable Provincial Congress would consider us in this respect, and from their generosity and goodness would do what in them lies for our relief in the premises. We have many brave soldiers, but, unhappily for us, we have nothing to fight with."

After the royal order of 1764, extending the jurisdiction of New York to the west bank of Connecticut River, New Hampshire surrenderded all claim to all the territory west of that river and withdrew all protection from the people of the New Hampshire Grants and left them to defend themselves, their possessions and property, from the cruel and tyrannical usurpations of the Colony of New York. This rendered it necessary for the

Grants to take up arms to maintain the title to their lands that had been granted to them by Governor Wentworth and paid for. The Grants had subdued the wilderness and cultivated and made productive their farms, and had, they supposed, good title to their homes. At this time, if the New York government had left the settlers in the undisturbed possession of their farms and not attempted to regrant their lands and homes to others under New York authority, the people within the jurisdiction of the New Hampshire Grants, would have submitted to the government of New York, and would have become peaceable citizens thereof. But when the latter began to ignore the rights of the Grants and resell their lands to strangers, and bring actions in the courts of New York to oust the *bona fide* settlers from their homes, and turn them out into the world penniless, and pass the most cruel laws against them, empowering their judges, in case any one had not obeyed their cruel enactments and did not voluntarily surrender himself for trial, to award sentence of death against him or them, the same as though he or they had been attainted or convicted, then it was, that the Grants determined, to the last extremity, to defend their rights and protect their homes rather than submit to New York. During all this time, those who were averse to submitting to the authorities of New York, stood loyal to the general cause of the Colonies against Great Britain.

The following lines, the author of which is un-

known, express the sentiments of the Vermonters during that trying period: Viz.

"Ho—all to the borders! Vermonters, come down,
With your breeches of deer skin, and jackets of brown;
With your red woolen caps, and your moccasins, come
To the gathering summons of trumpet and drum!

Come down with your rifles!—let gray wolf and fox
Howl on in the shade of their primitive rocks;
Let the bear feed securely from pig-pen and stall;
Here's a two-legged game for your powder and ball!

On our south come the Dutchmen, enveloped in grease;
And, arming for battle, while canting of peace;
On our east, crafty Meshech has gathered his band,
To hang up our leaders, and eat out our land.

Ho—all to the rescue! For Satan shall work
No gain for his legions of Hampshire and York!
They claim our possessions—the pitiful knaves—
The tribute *we* pay, shall be prisons and graves!

Let Clinton and Ten Broek, with bribes in their hands,
Still seek to divide us, and parcel our lands;—
We've coats for our traitors, whoever they are;
The warp is of *feathers*—the filling of *tar*!

Does the "Old Bay State" threaten? Does Congress complain?
Swarms Hampshire in arms on our borders again?
Bark the war-dogs of Britain aloud on the lake?
Let 'em come!—what they *can*, they are welcome to take.

What seek they among us? The pride of our wealth
Is comfort, contentment, and labor and health;
And lands which, as Freemen, we only have trod,
Independent of all, save the mercies of God.

Yet we owe no allegiance; we bow to no throne;
Our ruler is law, and the law is our own;
Our leaders themselves are our own fellowmen,
Who can handle the sword, or the scythe, or the pen.

Our wives are all true, and our daughters are fair,
With their blue eyes of smiles, and their light flowing hair:
All brisk at their wheels till the dark even-fall,
Then blithe at the sleigh-ride, the husking, and ball!

We've sheep on the hill-sides; we've cows on the plain;
And gay-tasseled corn-fields, and rank-growing grain;
There are deer on the mountains; and wood-pigeons fly
From the crack of our muskets, like clouds in the sky.

And there's fish in our streamlets and rivers, which take
Their course from the hills to our broad-bosomed lake;
Through rock-arched Winooski the salmon leaps free,
And the portly shad follows all fresh from the sea.

Like a sunbeam the pickerel glides through its pool
And the spotted trout sleeps where the water is cool,
Or darts from his shelter of rock and root
At the beaver's quick plunge, or the angler's pursuit.

And ours are the mountains, which awfully rise
Till they rest their green heads on the blue of the skies;
And ours are the forests, unwasted, unshorn,
Save where the wild path of the tempest is torn.

And though savage and wild be this climate of ours,
And brief be our season of fruit and of flowers,
Far dearer the blast round our mountains which raves,
Than the sweet summer zephyr, which breathes over slaves.

Hurrah for VERMONT! for the land which we till
Must have sons to defend her from valley and hill;
Leave the harvest to rot on the field where it grows,
And the reaping of wheat for the reaping of foes.

Far from Michiscoui's valley, to where
Poosoomsuck steals down from his wood-circled lair,
From Shocticook river to Lutterlock town,—
Ho—all to the rescue! Vermonters, come down!

Come York or come Hampshire,—come traitors and knaves;
If ye rule o'er our *land*. ye shall rule o'er our *graves*;
Our vow is recorded—our banner unfurled;
In the name of Vermont we defy *all the world!*

Ira Allen, in his phamphlet entitled "Miscellaneous Remarks," published in May 1777, in giving his reasons why the New Hampshire Grants should be separated from the government of New York and be an independent State, well repre-

sented the sentiment and spirit of this people. He closed his remarks, in stating the grounds of separation, as follows: Viz.

"One special reason why the district of the New Hampshire Grants cannot connect with the State of New York is, the Supreme Court in Albany, at July term, in the year 1770, expressly declared the New Hampshire charters null and void, by said Court giving writs of possession against the New Hampshire settlers, by virtue of subsequent patents from New York, by reason of which several of the New Hampshire settlers were dispossessed of valuable farms and tenements; therefore, the inhabitants of said Grants cannot be freeholders in said State, to act in any public business, till they take re-grants of their lands, which we cannot do by any other means than by purchasing subsequent patents from our greatest antagonists, and at their own price, which most certainly would have been most unhealthy for our purses.

"Perhaps some queries may arise in the minds of some gentlemen whether the district of the New Hampshire Grants, in their infant state, have men that are capable to govern the internal policy of a State, and are able to support government. I would ask such gentlemen which of the United States of America was so well peopled and so able, when they began government, as we are? Surely, I think not one; but many weaker, as to men of learning and sagacity to rule a State. I see no great difficulty in it, though it is not common that men of so great learning, as some in the world, would go to subdue the desolate wilder-

ness; yet I think we have men of as much virtue, and as good talents by nature, as any in the world. Tent-makers, cobblers and common tradermen composed the legislature of Athens. 'Is not the body (said Socrates) of the Athenian people composed of men like these?' For any man to arrogate, and say that we have not men that can govern the internal policy of a State, might, with the same parity of reason, say that the United States of America should always be subject to Great Britain, because there were men of more universal knowledge, as to ruling the scepter, and more experienced generals, and better equipped with shipping and warlike stores, &c.

"Necessity is the mother of invention. We find, by experience, that we have as good men to rule our Senate, as Britain her scepter; and as noble generals in the field as English annals have any account of. Powder, cannon and all kinds of warlike stores are manufactured amongst us. Ships of war are built, and the preparations of war go on with such rapidity that it is not to be paralled in history. Foreign powers are now assisting the rising States of America in many respects. This the United States of America could not have done had they not asserted their free and natural rights and liberties that were given them by the God of Nature, thereby to throw off the heavy yoke of bondage that George the 3d has prepared for us and our successors.

"Neither will the people of the district of the New Hampshire Grants ever be a free and happy people, except they steadfastly maintain the free

and natural rights and liberties that were given them by the God of Nature, thereby to throw off the bondage that the former litigous government of New York has attempted to ensnare us with. Those things have greatly deterred our settlements, and should this obstacle be moved out of the way, no doubt but many worthy gentlemen, fit for any situation in life, would move into our territories, which would be to the mutual benefit of the whole.

"It is true our settlements are not, many of them, of an ancient date, yet are very flourishing, and, like young beginners, we are willing to work for our living. We have plenty of fertile lands; our territory is considerably larger than either of the States of New Hampshire, Connecticut, Rhode Island and Providence Plantations, or New Jersey. No doubt but in a short time it will be as well peopled. As we are but small as to numbers, our public concerns will also be small in proportion; and as to a mode of government, there can be no greater expense in that, for the thirteen United States will all form their modes of government before we shall, and we can have the privilege of perusing them; and if any of them should be agreeable, the people can adopt them, or take such parts as shall best suit them.

"Our assemblies or courts will have quite short sessions, and have but little way to go, and all such money will be spent in the State, and as the power of legislation is now in the people, they will not have occasion to commision many salaried officers in the State. They will also set all officers'

fees at a reasonable rate. As to Court Houses, some are already built, and I cannot see why we should be at any more expense on that account, if we are in a new State, than if we were annexed to any other; for, take it which way you will, Court Houses and Jails will be wanted; therefore I cannot see where any very great expense should arise from.

"If we were to be in the State of New York, then we must send delegates to sit in the Provincial Congress of said State. It would be a long and expensive road to travel, and an expensive place when there, and in order to have the people properly represented, there should a considerable number go, and when they are all met in Congress, the State would be so large that gentlemen from the extreme parts would not personally know but very little better the situation of the other extreme parts than a gentleman would from London. Yet most of them must stay and see what was done, and give their consent for or against; and as there has been an unhappy dispute between this district and the former government of New York, and some members of that Hon. House have been our greatest antagonists, it is possible the best of men might be some biased, though unperceivable to them. Thus, these gentlemen will spend near or all, the year, in doing what little business concerns this district, and assist others to do theirs, which they know nothing of, and in getting other gentlemen to give their consent to all resolves that concern this district, who will be equally ignorant of our situation, by

reason of their local situation from ours. This being the case, it necessarily follows that there ought to be delegates enough from this district to know all business that should be necessary to be done for said district. If so, surely the same gentlemen might, much easier and cheaper, do their business by meeting in some convenient place in this district, where no other business would interfere with theirs.

"When civil laws should again take place, doubtless there would be many actions appealed up to the Supreme Court of New York, and, as the State would be so large, doubtless they would be full of business. For that, and many other reasons, it is likely, actions would be continued from one session to another; no doubt some very disputable cases that need numbers of evidences personally to speak. What amazing expense it would be for a man to go 450 miles to attend court, in this situation; yet his action may be put along through several courts. In this way of expense would go many thousand pounds out of this district.

"The great distance of road betwixt this district and New York is alone a convincing argument that the God of Nature never designed said district should be under the jurisdiction of said State.

"I now appeal to the impartial reader which of these two ways would be best, wisest and cheapest, both for the district of New Hampshire Grants, and the State of New York.

"Brave Countrymen,
We're here assembled for the toughest fight
That e'er strained the force of American arms.
See yon wide field, with glittering numbers gay;
Vain of their strength, they challenge us for slaves,
And bid us yield their prisoners at discretion.
If there's an American among you all
Whose soul can basely truckle to such bondage,
Let him depart! For me, I swear, by Heaven,
By my great father's soul, and by my fame,
My country ne'er shall pay ransom for me,
Nor will I stoop to drag out life in bondage,
And take my pittance from Britain's hands:
This I resolve, and hope, brave countrymen,
Ye all resolve the same."

At one time there was an effort made, by a few, not only to throw off New York authority, but to become annexed to Massachusetts. At an adjourned meeting of the Cumberland County Committee of Safety at Westminster, in June, 1776, there was a paper introduced before the Committee that brought on a discussion of the right of New Hampshire Grants to secede from New York. Several of the members, representing a large constituency, favored a union with Massachusetts. The paper referred to expressed, "that the whole district described in said petition, may be hereafter reunited to that province, and reserving to themselves also the right of offering their pleas, arguments, and proofs, in full, to effect a reunion thereof to that ancient jurisdiction, for those important reasons to be adduced, when, where, and before whom the parties concerned shall be admitted to offer the same." In a biography of Charles Phelps it is stated, "that on one occasion he with

a singularity of behavior not easily to be accounted for, was engaged in a scheme to effect the annexation of Vermont to Massachusetts." Previous to this he had shown an attachment to New York. It was said that Mr. Phelps declared that he did not act out of any good will to the State of New York, but to throw the people of Vermont into confusion and that he would as soon come under the Infernal Prince as under the State of New York, and that his ultimate design was to procure the territory of Vermont to be annexed to the Bay State. Mr. Phelps was a native of Massachusetts, and it would be quite natural that he should prefer a union with that State.

The first knowledge that Vermont authorities had that Massachusetts had entered in Congress a claim to part of her territory was in October, 1779, by a letter to Governor Chittenden from John Jay, bearing date Sept. 25, 1779. It was after the resolutions of Congress of Sept. 24, 1779, wherein it was "most earnestly recommended to the States of New Hampshire, Massachusetts Bay, and New York to forthwith pass laws, expressly authorizing Congress to hear and determine all differences between them relative to their respective boundaries." This claim was a surprise to Vermont. Governor Chittenden made a direct appeal to Massachusetts in a letter to Samuel Adams, President of the Council of that State. The General Assembly of Vermont on October 21st, 1779, chose Brigadier-General Ethan Allen to wait on the Council and General Court of Massachusetts Bay to negotiate the public business of

Vermont with that State. The general conduct of Massachusetts was friendly to Vermont, but they concluded that if Vermont was to be parceled out among its neighbors they should have a share. Gov. Chittenden's letter to Adams was as follows: viz:—

MANCHESTER, October 28th, 1779.

SIR,—I am directed by my Council and the General Assembly of this State, now sitting, to signify to your honor that his Excellency, John Jay, Esq., the late President of the Congress of the United States, has, by express, communicated a letter to me, bearing date the 25th ult., enclosing certain acts of Congress, for an equitable settlement of all differences subsisting between the State of Massachusetts-Bay, New Hampshire and New York, on the one part, and this state, on the other; by which I obtained the first intelligence of a claim being set up and continued, by Massachusetts state, over any part of this.

"The General Assembly have been pleased to appoint the bearer, Brig.-Gen. Allen, to wait on your honorable Council and General Court, to learn over what part of this state you mean to extend your claim, and how far you mean to carry such pretensions into execution, in the trial at Congress, on the first day of February next, agreeable to the acts of Congress, with which, I am informed, you are served with a copy. Every necessary step shall be invariably pursued, on my part, to bring about an equitable accommodation of all differences aforesaid, agreeable to the strict rules of Justice and equity; which cannot be attended

to, in my opinion, without an explicit acknowledgement of the independence of this state; for

"First. Can any, even the least, reason be given for this state's being put under the jurisdiction of New-York, contrary to their will? Have not the inhabitants of Vermont suffered an infinity of evils, by New York's pretending to exercise jurisdiction over them, when neglected by every friendly power on the continent, even the authority which gave them being not excepted?

"Second. Has not Vermont, for many years before the late revolution took place between Great-Britain and America, been forced to the last alternative, the absolute necessity of having recourse to arms, to defend their interest, purchased at the dearest rate; and of exhibiting that same spirit of patriotism, which has, so far, brought America out of a state of threatened slavery, into the fruition of freedom and liberty?

"Third. Does not that same spirit of freedom now exist among the free citizens of Vermont, which is absolutely necessary to be continued, by the United States of America, in order to carry into execution the declaration of Congress, on the 4th of July, 1776? Surely it does.

"Fourth. Can such a people be dragged, or flattered, into a subjection to any one of the United States, or be divided to two or more of them, merely to allow them a stretch of jurisdiction, and thereby augment their power? Surely they cannot.

"If you will please to lay this before your honorable Council and General Court, and write me

your answer, by the bearer, the favor shall be ever gratefully acknowledged by,

Sir, your honor's most obedient humble servant,

THOMAS CHITTENDEN."

Samuel Adams replied to Chittenden as follows, Viz:

"SIR,—Your letter dated Manchester, the 28th of October, [1779,] and directed to the President of the Council of this State, has been laid before the General Assembly, according to your request, and duly considered. Two questions of importance are therein proposed, viz. 'Over what part of this State (by which we suppose is to be understood Vermont) we mean to extend our claim?' and 'How far we mean to carry such pretensions into execution, in the trial at Congress on the first day of February next.'

"This State hath an ancient and just claim to all the territory referred to in your letter lying between the rivers Connecticut and Hudson, bounded as follows: viz. easterly by Connecticut River; westerly by the eastern line of New York; northerly by the northern boundary of Massachusetts Bay; and southerly by the northern limits of the Massachusetts jurisdiction as it was settled by the King of Great Britain in the year 1739.

"This we take to be a full answer to your first question, according to its true intent, because we suppose a part of the district of Country which has been commonly called the New Hampshire Grants, and is contained within the bounds so described, is a part of that territory which you call the State of Vermont. Over this tract of country

we mean to extend our claim, notwithstanding the decision of the King of Great Britain aforesaid in favor of the Province of New Hampshire, in 1739, which we have ever considered to be unjust. And as the General Assembly hath no authority to divest the State of any of its constitutional rights, we mean to continue, assert, and maintain the said claim, before any body competent to try and determine the same, against the protestations of any people whomsoever.

"However necessary you, Sir, may judge it that an explicit acknowledgement of the independence of the State of Vermont should be made, in order to bring about an equitable accommodation of the difficulties subsisting between the States mentioned in your letter, this State cannot come into such an acknowledgement consistently with its connection with the United States of America and the engagements it has solemnly entered into with them. We have, therefore, reason to expect that such formality of state in this address to you as would be correspondent with that which is adopted in your letter will be candidly dispensed with at this time.

"In the name and by the orders of the General Assembly,

I am with due respect, Sir,

Your most obedient and very humble servant,

SAMUEL ADAMS."

The letter of Gov. Chittenden was evidently written with a careful observance of the state formality; addressing Adams as the President of the Senate, with the expectation that he would return

the courtesy and acknowledge him as Governor of Vermont. This he failed to do, and addressed him as a private citizen, and seems to give a reason, in his letter, for so doing. The whole course of Massachusetts in asserting her claim, was to secure the independence of Vermont and prevent its partition between New York and New Hampshire, although in 1779, the General Court declared that the State of Massachusetts had "a clear and indisputable right" to the southern part of Vermont. But when in the year 1780, the subject was brought before Congress, the General Court decided that the claim was an "infringement on the rights of Vermont," and refused to prosecute it further. And when Congress in September 1780, proceeded to hear the claims of New York and New Hampshire, at the same time the legislature of Massachusetts instructed the delegates of that State in Congress to move and use their influence for a postponement of the question till time and circumstances will admit of a full and complete discussion, and that Congress in the meantime take proper steps to prevent any grants of lands in Vermont being made by any person or persons; and the consideration of the matter in Congress was postponed. On Nov. 1, 1780, the Governor and Council appointed agents to treat with Major Carleton of the British force in Canada under General Haldimand, for the purpose of settling a cartel for the exchange of prisoners. This action of the Governor and Council was done in pursuance to a resolution of the General Assembly of October 30, 1780. Out of this grew the so called

Haldimand Correspondence. On December 12, 1780, Gov. Thomas Chittenden addressed the following letter to Gen. John Hancock of Massachusetts, viz:

"Sir,—Enclosed I transmit your Excellency a copy of my letter to Congress of 25th of July last, which, together with this, I request may be laid before the Legislature of the State over whom you preside, for their perusal and consideration.

"The arguments and representations therein exhibited are equally applicable for the consideration of the several Legislatures of the United States separately.

"Many and great are the evils which Vermont labors under: Congress claiming a jurisdiction over them: three of the United States claiming their territory in whole or in part, and Vermont at the same time a frontier in part to those very States, and exposed to British invasion from Canada, who being possessed of the Lake can suddenly bring their whole force into this State, which, beyond hesitation, will be their object next campaign, unless some immediate measures be adopted to prevent it, as they have already destroyed the frontier settements of the state of New York. In a word, their force will undoubtedly be so great that it will be out of the power of the State to form magazines and to support a body of troops sufficient to withstand them, and the consequence must inevitably be, either that the people of this State be sacrificed; or, 2dly, be obliged to retire into the interior parts of the United States for safety; or 3dly, be under the disagreeable ne-

cessity of making the best terms with the British that may be in their power. Nearly the same would be the condition of either of the United States separately considered from their Union (as they would be unable to withstand the British power,) which may abundantly serve to evince that it is out of the power of Vermont to be further serviceable to them, unless they are admitted into Union.

"This State is of opinion that it is high time she had better assurances from the several States now in Union, whether, at the conclusion of the present War, she may without molestation enjoy her Independence, or whether she is only struggling in a Bloody War to establish neighboring States in their Independence to overthrow or swallow up her own and deprive her citizens of their landed estates. I do, therefore, in behalf of this State, demand your Legislature that they relinquish their pretensions of a claim to jurisdiction over any and every part of this State, and request them to join in a solid Union with Vermont against the British forces which invade the American States. Such a Union for the mutual advantage of both States, I am ready to ratifiy and confirm on the part of this State."

In response to the letter of Chittenden to Hancock, the General Court of Massachusetts on March 8, 1781, adopted the following resolution that was approved by Governor Hancock, viz.

"This Court having maturely and deliberately considered the same, feel themselves disposed to comply with the request of said Inhabitants, and

to concede that the said territory and the Inhabitants within the same should be a sovereign independent State, in such way and manner and upon such terms as shall be agreed upon and established by the Congress of the United States of America:

"Therefore RESOLVED, that in case the territory called Vermont be recognized by Congress as a sovereign independent State and enter into the Confederation with the other American States, this Commonwealth will and do hereby relinquish their claim of jurisdiction in and over the said territory and every part and parcel thereof from the North side of the town of Northfield on the West bank of Connecticut river in the County of Hampshire to the North West corner of the town of Williamstown in the county of Berkshire, in such manner and by such other bounds as shall be established by the delegates of the United States in Congress assembled, reserving nevertheless to each and every individual within and without said territory of Vermont, their full right and title to such lands within the same as are held and enjoyed by virtue of any right or grant derived from the Province, State, or Commonwealth of Massachusetts."

The letters of Governor Chittenden to Congress, to General Washington and to the Governors of Massachusetts, Connecticut and Rhode Island, Haldimand correspondence, and the spirit and action of the people of Vermont, which was well known, gave timely notice that Vermont might be forced for the protection of her people to

make terms of some sort with the British, were the main factors that warded off a bloody campaign, and which served to establish Vermont as one of the States of the American union. It will be remembered that no aid was given in that critical period of Vermont's history, by Congress or any of the neighboring States, although at the same time Vermont's Continental regiment of Green Mountain Boys, under Warner, was serving in New York. It must be conceded that it was a masterly stroke of good policy of Gov. Chittenden, Ira Allen and their associates that won for Vermont a place in the American union against the power and influence of neighboring States, Tories and opposition within her own borders and the power of a foreign foe.

The claim of Massachusetts to any part of Vermont after the year 1739 was extremely weak, as at that date the King in Council settled the boundary line between New Hampshire and Massachusetts Bay substantially where it now is, which brought Fort Dummer within the Province of New Hampshire. That Fort had been built by the Massachusetts Bay Province in 1724, and was garrisoned at their expense till it was excluded from their jurisdiction by the settlement of the boundary above mentioned. After the boundary line had been settled the Massachusetts Bay Province represented to the government at home that Fort Dummer having been determined to be the property of New Hampshire, they were no longer obliged to garrison and maintain it, and prayed that, as it was necessary for the defense of

that part of the country, that New Hampshire might be directed to support it; the King and Council so directed in 1744, and declared that in case they refused to comply with so reasonable and necessary a proposal, his Majesty would find himself under the necessity of restoring that fort with a proper district of land contiguous to it to the Province of Massachusetts Bay; and from that time New Hampsnire actually maintained Fort Dummer and paid a demand of arrears for its previous support to Massachusetts-Bay. These transactions would seem to have foreclosed or cut off any claim that Massachusetts ever had to the jurisdiction of Vermont.

CHAPTER VI.

INTERNAL AFFAIRS OF VERMONT AND THE CONTROVERSY WITH NEW YORK.

A convention of the inhabitants on the west side of the range of the Green Mountains was called by a committee of the New Hampshire Grants, Moses Robinson and others, to be held at Cephas Kent's in Dorset on January 16th, 1776, to act upon the following articles of business: Viz. "to see if the law of New York shall have free circulation where it doth not infringe on our properties or titles of lands, or riots (so-called) in defence of the same" and "to see if the said convention will come into some proper regulations, or take some method to suppress schismatic mobs that have or may arise on said Grants."

At this convention a committee was chosen to examine and report their opinion relative to the last mentioned article. Eighteen towns were represented in the convention. It was voted they should be represented in proportion to the number of inhabitants of the towns respectively; it was also voted " to represent the particular case of the inhabitants of the New Hampshire Grants to Congress by remonstrance and petition."

The convention warned to meet at Dorset on the 24th of July, 1776, where 32 towns from the west side of the mountain were represented, adopted and subscribed the following declaration:

Viz. "We the subscribers, inhabitants of that district of land commonly known by the name of the New Hampshire Grants, do voluntarily and solemnly engage under all the ties held sacred amongst mankind at the risque of our lives and fortunes to defend, by arms, the United American States against the hostile attempts of the British fleets and armies until the present unhappy controversy between the two countries shall be settled." This declaration was signed by the entire convention save one. William Marsh went over to the enemy after signing the above and fled to Canada. His property was confiscated and his return to the State forbidden by an Act passed February 26, 1779. It is stated of Marsh by E. P. Walton in the "Governor and Council" that he was not a Tory, and he had been an efficient friend of the new State, but when the splendidly equipped army of Burgoyne swept along the western border and a part of it was reported to be advancing on the military road from Mount Independence to Castleton, and knowing that the condition of the Grants were such that they were likely to be overwhelmed by superior force, Marsh became panic-stricken and hastened, with other disheartened Whigs and a greater number of Tories to seek refuge in Canada. Marsh after a time was permitted to return and represented his town, Manchester, in the General Assembly in 1784 to 1788.

It was also resolved unanimously by said last mentioned convention, in substance, that if any of the inhabitants of the New Hampshire Grants

should in future subscribe and return any such declaration or association to any committee of safety for either of the counties of the Province of New York, other than the above, they shall be deemed enemies to the Common Cause of the New Hampshire Grants. These were the first formal proceedings in convention for the evident purpose of severing the connection of eastern Vermont with New York and of uniting the eastern and western towns in a common league for prosecuting the war for national independence.

The Dorset convention that was held July 24, 1776, adjourned on the 25th of that month, and on the 6th of August Heman Allen, Jonas Fay and William Marsh attended a joint meeting of the Committees of Safety of Cumberland and Gloucester Counties assembled at Windsor, where the matter of a separate jurisdiction was taken into consideration and the boundaries of a new State were described. James Clay was the chairman of Cumberland County Committee of Safety and had favored the interests of New York. Allen told him "that he had consulted with several members of the Continental Congress, who had recommended to him and his coadjutors to ascertain the feelings concerning the formation of a new state." He also reminded Clay that if the Grants should accede to the form of government that New York was soon to adopt, the Grants would have no opportunity to withdraw their support therefrom at a future day. The people of each town were invited to assemble in town meeting and express their opinion as to the best course to pursue. Several towns

called meetings. The inhabitants of Rockingham voted to associate with the inhabitants of that district of land commonly called and known by the name of the New Hampshire Grants, and instructed their delegates chosen to the Dorset convention to be held in the fall, "to use their best influence to obtain the passage of such resolves as would tend to establish the Grants as a separate and independent State." A like spirit pervaded many other towns. In Halifax and some other towns there were two parties, and in some, they showed no disposition to throw off the jurisdiction of New York. The leaven that was working for a separate State was destined to leaven the whole lump. At the adjourned session of the convention at Westminster January 15, 1777, being composed of delegates from both sides of the mountain, it was voted that a letter be drawn forbidding the delegates from Cumberland County sitting in the Provincial Congress of New York; and a letter was accordingly sent to them by a committee. The convention also voted that "This convention, whose members are duly chosen by the free voice of their constituents in the several towns, on the New-Hampshire Grants, in public meeting assembled, in our own names, and in behalf of our constituents, do hereby proclaim and publicly declare that the district of territory comprehending and usually known by the name and description of the New Hampshire Grants, of right ought to be, and is hereby declared forever hereafter to be considered as a separate, free and independent jurisdiction or state; by the name,

and forever hereafter to be called, known and distinguished by the name of NEW CONNECTICUT; and that the inhabitants that at present are, or that hereafter may become resident, either by procreation or emigration, within said territory, shall be entitled to the same privileges, immunities and enfranchisements as are allowed; and on such condition, and in the same manner, as the present inhabitants in future shall or may enjoy; which are, and forever shall be considered, to be such privileges and immunities to the free citizens and denizens as are, or, at any time hereafter, may be allowed to any such inhabitants of any of the free and independent states of America; and that such privileges and immunities shall be regulated in a bill of rights, and by a form of government, to be established at the next adjourned session of this convention."

And it was voted that proper information be given to the Continental Congress why the New Hampshire Grants had been declared a free State. It was also voted that a committee of war be appointed on the east side of the mountains to be in conjunction with the committee of war on the west side of the mountains, to act on all proper occasions; and that some suitable measures be taken to govern the internal policy until more suitable measures could be taken.

On January 15, 1777, at the convention held at Westminster the Declaration of Independence for the State was adopted, and published in the "Connecticut Courant" of March 17, 1777. In the declaration the new State was called "New Connecti-

cut." This declaration was not satisfactory to the subsequent convention held at Windsor, June 4, 1777, as it failed to state the causes for the separation from New York, therefore, the latter convention set forth the causes of separation as follows: Viz.

"In the year 1764 the legislative authority of New York did obtain jurisdiction over the before described territory of land, by virtue of a false representation made by the late Lieut. Governor Colden, that for the convenience of trade and administration of justice the inhabitants were desirous of being annexed to that government.

"They have refused to make re-grants of the same lands to the original proprietors and occupants, unless at the exorbitant rate of $2300 fees for each township, and did enchance the quitrent three fold, and demanded an immediate delivery of the title derived before from New Hampshire.

"The judges of their supreme court have made a solemn declaration that the charters, conveyances, &c., of the lands included in the before described premises, were utterly null and void, on which said title was founded.

"In consequence of which declaration, writs of possession have by them been issued, and the Sheriff of the County of Albany sent at the head of six or seven hundred armed men to enforce the execution thereof.

"They have passed an act annexing a penalty thereto, of thirty pounds, and fine and six months imprisonment, on any person who should refuse attending the sheriff after being requested for the purpose of executing writs of possession.

"The governors, Dunmore, Tyron, and Colden, have made re-grants of several tracts of land included in the premises, to cernain favorite land-jobbers in the government of New York, in direct violation of his Britannic Majesty's special orders in the year 1767.

"They have endeavored and many times threatened to excite the king's troops to destroy us.

"They have issued proclamations wherein they have offered large sums of money for the purpose of apprehending those persons who dared boldly and publicly to appear in defence of their just rights,

"They did pass twelve acts of outlawry on the 9th of March, A. D. 1774, empowering the respective judges of their supreme court to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

"They have and still continue an unjust claim to those lands, which greatly retards emigration into, and the settlement of this state.

"They have hired foreign troops, emigrants from Scotland, at different times, and armed them to drive us out of possession.

"They have sent the savages on our frontier to destroy us.

"They have proceeded to erect the counties of Cumberland and Cloucester, and established courts of justice there, after they were discountenanced by the authority of Great Britain.

"The free convention of the State of New York, at Harlem, in the year 1776, unanimously voted

'that all quitrents formerly due to the king of Great Britain, are now due and owing to this convention, or such future government as shall be established in this state.'

"In truth, they, the late government of New York, have spared neither cost or pains, nor been wanting in using every artful insinuation in their power, (however unwarrantable by the laws of God or man,) to defraud those inhabitants out of the whole of their landed property; and nothing but consciences void of offence towards God and man, to whose impartial judgment we appeal, could have induced those inhabitants to have run the risk, and to have undergone the hardships and fatigues they have borne, for the salvation of their lives, liberties and properties.

"In the several stages of the aforesaid oppression, we have petitioned his Britannic Majesty in the most humble manner for redress, and have, at very great expense, received several reports in our favor; and in other instances wherein we have petitioned the late legislative authority of New York, these petitions have been treated with neglect. We shall therefore only remind the public that our local situation alone is a sufficient reason for our declaration of an independency, and must therefore announce a separation from the state of New York, and refer the public to our declaration made the 15th day of January last, and published in the 'Connecticut Courant,' and sincerely wish that in future a lasting peace may continue between the state of New York and this, with the other United States of America."

This convention changed the name of the State to Vermont for the reason that the convention was informed there was a district of land lying on the Susquehanna River known as New Connecticut, and it would be inconvenient for two separate districts on this Continent to bear the same name.

The delegates of this convention were determined to silence and eradicate all sentiment and action of all persons, within the borders of the new State, who were opposing the new order of things and the establishment of the new State of Vermont, as appears by the following resolves of the Convention: viz.,—

"RESOLVED, That the keeper of the common goal for the County of Cumberland within this State be and is hereby directed to keep in safe custody all Prisoners already committed by any legal authority within this State until regularly discharged by this Convention or their further order had thereon, and that for the future the said keeper be and is hereby directed to observe such orders as he shall receive from either of the Committees of Safety for either of the towns in this State during recess of this Convention.

"RESOLVED, That the Chairman of the Committees of Safety for the Counties of Cumberland and Gloucester immediately on sight hereof and are hereby directed and required to desist acting in such capacity by virtue of any authority derived from the Honorable Convention of the State of New York, and that their several associates are directed strictly to observe the same.

"Resolved, That the several Committees of Safety acting under the authority of this State be and are hereby directed to take into their immediate custody all such estates of enemical persons who have heretofore or that may hereafter be by sufficient evidence proved to be such, which estates are not already in custody by virtue of such authority, and them safely keep for the use of this State during the recess of this Convention except what may be sufficient to defray the necessary charges arising for trial of such offender or offenders.

"Resolved, That all Commissioners appointed by the authority of the State of New York for the purpose of seizing the estates of enemical persons for the use of that State, to the prejudice of this, be and hereby are required to desist and surcease such commission or commissions immediately on sight hereof, and they are hereby severally strictly forbid disposing of any such estate so seized within this State except what is sufficient to defray the charge of trial, seizing, &c., until further order from this Convention or the orders of the President or Vice President of this State with his Council during the recess of this said Convention.

"Resolved, That the Committees of the several towns in this State be and are hereby empowered to seize and secure all and every person and their estates that appear to be enemical to their country and to proceed to trial in manner and form following:

"That the Committee of any town in this State

shall seize the person and estate of any such suspected enemies, and, if on examination they shall find just cause to, proceed against the same they are hereby empowered to call thirteen committeemen from the adjacent towns including the committee of said town which are hereby empowered to try such offender or offenders and give sentence against him or them and order the said judgment to be put in execution—Provided the offender or offenders is not worthy of death or other corporal punishment, in which case the committees are empowered to imprison the offender or offenders in the common gaol or gaols within this State, there to remain without bail until a proper court shall be established in this State to try him or them."

The authorities proceeded immediately to take charge of the public property, and issued orders to a sergeant and six men to guard the jail, at Westminster, both day and night, and to permit no one to advance within six feet of the gratings or to approach the jail door. This was regarded as the enforcement of the jurisdictional claim of Vermont against New York.

It has been stated, in the first volume, that the Convention held at Windsor in July, 1777, proceeded to form a Constitution for the State, and that, in the main, it was like that of Pennsylvania. In fact there were some additions, and the Vermont Constitution was an improvement upon that of Pennsylvania. The following were the additions incorporated into that instrument: viz., 1st, Slavery prohibited; 2nd, Compensation secured for private property taken for public uses; Se-

curity of Protestants against civil disabilities on account of religion; the right to govern the internal police inherent in the people of the State solely; no writ against the person or property of a debtor to issue unless the creditor shall make oath that he is in danger of losing his debt; no person to be transported for trial out of the State for an offense committed within it; form of Freeman's Oath; provisions against the hasty enactments of laws of a public nature, and restriction of powers of the Governor and Council, and General Assembly to regulate fishing. In 1786 there were several amendments. One was that the legislative, executive and judiciary departments shall be kept separate and distinct, so that neither exercise the power properly belonging to the other. The words "by their legal representatives," were added to a former section, so that it should read, "That the people, by their legal representatives, have the sole, exclusive and inherent right of governing and regulating the internal police of the same." Other amendments have been made to the Constitution from time to time. The preamble to the first Constitution of the State established by the Windsor Convention in 1777, was as follows: viz.,—

"WHEREAS, all government ought to be instituted and supported, for the security and protection of the community, as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not ob-

tained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

"And whereas, the inhabitants of this State have, (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves. for the avowed purpose of reducing them to a total and abject submission to the despotic dominion of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress,) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him, ceased in the American Colonies.

"And whereas, the territory which now comprehends the State of Vermont, did antecedently, of right, belong to the government of New Hampshire; and the former Governor thereof, viz. his Excellency Benning Wentworth, Esq., granted many charters of lands and corporations, within this State, to the present inhabitants and others. And whereas, the late Lieutenant Governor Colden, of New York, with others, did, in violation of the tenth command, covet those very lands; and by a false representation made to the

court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government,) obtained jurisdiction of those very identical lands, *ex-parte*; which ever was, and is, disagreeable to the inhabitants. And whereas, the legislature of New-York, ever have, and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present constitution, in which is established the grants of land made by that government.

"They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees for each township; and did enhance the quitrent, three fold, and demanded an immediate delivery of the title derived before, from New Hampshire.

"The judges of their supreme court have made a solemn declaration, that the charters, conveyances, &c., of the lands included in the before described premises, were utterly null and void, on which said title was founded; in consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent, at the head of six or seven hundred men, to enforce the execution thereof.

"They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

"The Governors, Dunmore, Tryon and Colden, have made re-grants of several tracts of land, included in the premises, to certain favorite land jobbers in the government of New York, in direct violation of his Britannic majesty's express prohibition, in the year 1767.

"They have issued proclamations, wherein they have offered large sums of money, for the purpose of apprehending those very persons who have dared boldly, and publicly, to appear in defence of their just rights.

"They did pass twelve acts of outlawry, on the 9th day of March, A. D. 1774, impowering the respective judges of their supreme court, to award execution of death against those inhabitants in said district that they should judge to be offenders, without trial.

"They have, and still continue, an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

"They have hired foreign troops, emigrants from Scotland, at two different times, and armed them, to drive us out of possession.

"They have sent the savages on our frontier, to distress us.

"They have proceeded to erect the counties of Cumberland and Gloucester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

"The free Convention of the State of New York, at Harlem, in the year 1776, unanimously voted, 'that all quit-rents formerly due to the King of Great Britain, are now due and owing to this

Convention, or such future government as shall be hereafter established in this State.'

"In the several stages of the aforesaid oppression, we have petitioned his Britannic majesty, in the most humble manner, for redress, and have, at very great expense, received several reports in our favor; and in other instances, wherein we have petitioned the late legislative authority of New York, those petitions have been treated with neglect.

"And whereas, the local situation of this State, from New York, at the extream part, is upwards of four hundred and fifty miles from the seat of that government, which renders it extremely difficult to continue under the jurisdiction of said State.

"Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be, henceforth, a free and independent State; and that a just, permanent and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the honorable American Congress.

"We the representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government,—confessing the goodness of the Great Governor of the Universe, (who alone, knows to what degree of earthly happiness, mankind may attain, by perfecting the arts of government,) in permitting the people of this State, by common consent, and without violence, deliberately to form for them-

selves, such just rules as they shall think best, for governing their future society; and being fully convinced that it is our indispensible duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever,—do, by virtue of authority vested in us, by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein, forever, unaltered, except in such articles, as shall, hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned."

The first section of the declaration of rights following the preamble was as follows:

"That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives at the age of twenty-one years, nor

female, in like manner, after she arrives at the age of eighteen years, unless they are bound by their own consent, after they arrive at such age, or bound by law, for the payment of debts, damages, fines, costs or the like." This was the first emancipation act in America.

During the work of the convention at Windsor in 1777, in framing the Constitution, the Council of Safety saw the imperative need of more troops to protect the people on the west side of the Green Mountains from the great danger that threatened them. Many of them who had supported the title of the New Hampshire Grants against the unjust claims of New York had been compelled to remove. If they continued to abandon that part of the State it would expose the settlers on the east side of the Green Mountains to the invasion of war both from the savages and the British. The Council of Safety had no money or revenue at command to raise and pay men for the defence of the frontier. Ira Allen asked that a regiment be raised; Nathan Clark, not convinced of the practicability of raising a regiment, moved in Council, "that Ira Allen, the youngest member of the Council, who insisted on raising a full regiment, while the majority of the Council were for raising only two companies of sixty men each, might be requested to discover ways and means to raise and support a regiment, and make his report at sun rising on the morrow." The next morning the Council met and Allen reported the ways and means to raise and support a regiment: viz. "that the Council should appoint Commissioners of sequestration, with the authority to seize the goods

and chattels of all persons who had or should join the common enemy; and that all property so seized should be sold at public vendue, and the proceeds paid to the treasurer of the Council of Safety, for the purpose of paying the bounties and wages of a regiment, forthwith to be raised for the defence of the State." The Council adopted the measure. This was the first instance in America of seizing and selling the property of the enemies of American independence. Like measures were afterwards pursued in all the States, but not till November 27th, 1777, four months after the Vermont Council of Safety had adopted Allen's project, did Congress recommend the same course to all the States. When this regiment was raised General Schuyler, a citizen of the State of New York, and commander in chief of the northern army, sent orders to Colonel Herrick, the commander of the regiment, to repair forthwith to Saratoga, but the Council of Safety gave special directions to Colonel Herrick to remain with his regiment within the State of Vermont, and not to put himself under the command of General Schuyler. The Council of Safety, undoubtedly, felt justified in giving the order as the State had been declared independent and it had not been received into the Confederation.

The commissioners of confiscation were given, by the Council of Safety, a commission as follows: viz.

In Council of Safety, State of Vermont,
Bennington, 28 July, 1777.

"To————: You are hereby required (agree-

able to a previous resolve of this Council) to seize all lands, tenements, goods and chattels, of any person or persons in this State, whom you know or may hereafter learn, to have repaired to the enemy, and a true inventory thereof to take, and return to this Council, except articles as are wanted for the use of the army; which are wanted at Manchester or elsewhere, where there is a contractor to receive and pay for them. You will appoint three persons noted for good judgement, who are, after being duly sworn, to apprize the same; and all other movable effects you are to sell at public vendue, except such necessaries as humanity requires for the support of such families. And after paying necessary charges you are to remit the remainder of the money to this Council. You will take the natural and artificial marks of every creature you shall receive, or take, and their age, from whom they came, for what sold, and to whom sold. You are to lease out all such lands and tenements at a reasonable price, not exceeding two years, giving the preference to such persons as have been driven from their farms by this war. You are further authorized to arrest any person, or persons, you shall have sufficient grounds to believe are enemies to the liberties of this and the United States of America, and all such persons as you shall arrest you will seize all their movable effects (where there is danger of their being embezzled) and keep in safe custody until after trial. If they are acquitted, to give unto such person or persons such seizure; but if found guilty, to make return to this council. You

are to call to your assistance such person or persons as you shall find necessary, keeping regular accounts of all your procedures.

By order of Council,

IRA ALLEN, Secy."

A Lieutenant of one of the companies of the second regiment of militia of the State of which Samuel Herrick was Colonel, was Nathaniel Filmore, the grandfather of President Filmore.

The first Board of Councilors under the Constitution was organized March 12, 1778, and consisted of Ira Allen of Colchester, Jacob Bayley of Newbury, Joseph Bowker of Rutland, Timothy Brownson of Sunderland, Benjamin Carpenter of Guilford, Jeremiah Clark of Shaftsbury, Benjamin Emmons of Woodstock, Jonas Fay of Bennington, Thomas Murdock of Norwich, Paul Spooner of Hartland, Moses Robinson of Bennington, Thomas Chandler Jr. of Chester, secretary, and Matthew Lyon of Arlington, deputy secretary. For a while the Governor and Council were the Board of War, and after the Board of War was formed it was constituted largely of Councilors.

The duties of the Council were various. It seems that one Thomas Brayton had been neglecting his family, as the Council on April 9, 1778, while in session at Arlington, issued to Sylvanus Brown the following order: viz., "Sir,—Mr. Thomas Brayton informs this Council that you have a side-saddle in your custody which is his property. He says that he has procured sufficient bonds to the Committee for the maintenance of his family by which he is entitled to such of his

moveables as have not been taken and disposed of by the authority of this State previous to his procuring such bonds. Therefore, you are required to deliver the saddle to Mr. Brayton on sight hereof, unless you have sufficient evidence that any part of his goods are reserved by the Committee of Safety for the town of Clarendon." The Governor and Council were watchful and ever on the guard against the enemies of the State and of the United States, as will be seen by the following order issued to Captain Ebenezer Wallace by Thomas Chittenden on April 10, 1778, viz.

"Sir,—You are hereby required to Call to your assistance two sufficient able bodied effective men, and such as you can repose the Greatest Trust & Confidence in, & with them immediately to proceed to the Green Mountain East of this place & from thence you are to proceed to the North, & to Search the Woods Critically & diligently, & in case you or Either of your party shall make discovery of any person or persons who have voluntarily heretofore gone over to the Enemy, & are now within this State as Spies, or otherwise, that you secure any such person or persons, & him or them bring forthwith before this Board to be further Dealt with according to Law. And you are hereby authorized and empowered to call to your assistance such of the militia of this State as you may from time to Time find Necessary to Carry this Measure into effectual Execution, & if at any Time you should find Necessary you are to Immediately post away the Intelligence of your Situation and the discoveries you have made to the Gov. of this

State; & you are hereby further directed & empowered to Administer an oath of secrecy to the persons whom you shall Take to your assistance; and you are likewise to secure any other person or persons whom you may judge to be Enemies to this or the United States of America."

One order was to Captain Samuel Robinson, which order was, "Sir,—You are hereby directed to give William Irish a pass to carry his family down the Country to Spenser Town, and then to return to you again as quick as possible, and set the time when he is to return."

The Council were vigilant in looking after the interest of the people who were living on the frontier exposed to the ravages of the enemy as appears from the following advice and warning given April 22, 1778, to the inhabitants north of Pittsford on Otter Creek, viz.

"We have received a petition from the Inhabitants of the Towns on Otter Creek North of Pittsford dated April 13, 1778; and having Considered the Petition & their present Circumstances do advise said Inhabitants that as Soon as they can Come within our Lines, they improve the opportunity. It does not at present appear to this Council, that we can Guard further North than Pittsford & Castleton. Therefore you will Conduct your selves accordingly. We shall give orders to the officer now Commanding our party to the North, & shall Continue such orders to any officer Commanding by Commission under this State, to Give all possible assistance to you in moving until you have had an opportunity to

come in, which if you do not improve you may expect to be treated as enemies.
By order of Gov. & Council. M. Lyon, D. sec'y.

"To the Inhabitants to the North of Pittsford on Otter Creek.

"Another letter of the Same Substance & date sent to the Inhabitants of Panton, Addison and Bridport.

Attest M. Lyon, D. Sec'y.

"State of Vermont. In Council,

Arlington, April 22d, 1778.

Dear Sir,—In consequence of intelligence received at several different times from the Northward, I have ordered the Militia (who are now on their March) to your assistance. I have sent the Medicine & Dressings for the use of the Corps under your Command, Bandages are not to be had, you will therefore (if Necessity requires) take such as can be Spared by the Inhabitants taking a particular account of the Quantity & Its Value that it may be paid for. I send you also one hundred of Catridges, I hope will be sufficient for your purpose until you will be further Supplied from hence, which is now on the way. I have not the Least Doubt of your Military skill, & the Conduct & spirit of the officers & soldiers under your Command, & that with your exertions, in Conjunction with those sent to your assistance, you will be able (with the blessing of God) to protect the Inhabitants against the fury and Rage of Sav-

ages & Diabolical Tories until Seasonably Relieved. I heartily wish you Success.

And am Dr Sir your very Humble Servant.

THOMAS CHITTENDEN.

CAPT. EBENR ALLEN."

In 1778, the State appears to have been divided into six probate districts with a judge assigned to each; viz. Bennington district, Captain John Fassette, judge; Manchester district, Martin Powell Esq., judge; Rutland district, Joseph Bowker Esq., judge; Newbury district, General Jacob Bayley, judge; Hartford district, Paul Spooner Esq., judge; and one other district that is supposed to be Cumberland, now Windham, Major Jno. Shephardson, judge.

CHAPTER VII.

INTERNAL AFFAIRS OF VERMONT AND THE CONTROVERSY WITH NEW YORK.

CONTINUED.

Similar instances like those we have given in this and the previous volume of the character of the legislation of the General Assembly and of the orders and actions of the Governor and Council might be greatly extended, but our purpose is simply to give a sufficient number to show the true state of society, the nature of the government and how it was administered, that it might leave on the mind of the reader a correct impression of the then existing state of affairs.

On February 20, 1779, a petition of Timothy and Eli Evarts was before the Council, asking that one hundred and fifty acres of land be granted their father, Silvanus Evarts of Castleton, in discharge of a debt from the State to him. It was voted to choose a committee of one to join a committee from the House to take into consideration the petition. The father was proscribed by act of the Assembly six days after this vote, and this payment or grant was a remarkable instance of generosity—a case where the sins of the father were not visited upon the children.

It was resolved in the Assembly in February 1779, that the Councillors and Representatives

have six dollars per day during the session to be counted from the time of their leaving their respective homes until they could conveniently return to the same, and one shilling per mile for horse. And at the same session it resolved to allow John McNiel one hundred and thirty dollars to purchase one cow for the use of his family. At this time one Spanish milled dollar was worth but five dollars and a half of lawful money in Vermont. These payments, therefore were not large.

In the grants of townships by Governor Wentworth, while New Hampshire was a Colony of Great Britain, there was reserved all white and other pine trees fit for masting the Royal Navy, and none of such timber was to be cut or felled without a special license, upon the penalty of forfeiture of the right of the grantee. After Vermont became a State it kept up the same policy, and hence the Council resolved that in each charter of incorporation for any grant of lands, made out and executed by the Council, a reservation be made therein of all pine timber suitable for masts or spars for shipping, to the use of the freemen of this State forever. The timber was to be marked by a surveyor agreeable to the directions of the General Assembly, so at that early day the State was looking out for the welfare of the shipping interests. In the grants of land in the town of Benson, under the authority of the State and Council, they were looking out for the permanent settlement of the town and the immediate cultivation of its lands. The Council resolved November 10, 1779, that "every grantee of said Benson, his

heirs or assigns, shall plant and cultivate ten acres of land, and build a house at least eighteen feet square on the floor, or have one family settled on each respective right or share of land within the term of two years next after the conclusion of the present war between Great Britain and America, or within two years after the Province of Quebec shall be reunited with the free and independent States of America, on a penalty of the forfeiture of his grant." Grants to proprietors of other towns were upon similar conditions.

The Council did not regard the action of New York authorities in granting lands in Vermont as of any validity, for on October 24, 1780, the Council resolved, unanimously, that the several locations made by virtue of the authority of New York, since the King's prohibition, be and is hereby considered not a sufficient bar against granting the same to respectable and worthy petitioners.

Colonel Udney Hay of the Continental army made application in November, 1780, to the General Assembly for leave to procure beef for the army in the NEW HAMPSHIRE GRANTS, not recognizing Vermont as a State in his application. The committee appointed to investigate the matter reported, as their opinion, "the Legislature of this State ought not to undertake to supply Colonel Hay with the beef required." The Legislature was guarding the independent position of the State in not recognizing officially the officer of a government which would not recognize Vermont. Colonel Hay was not prevented from buying beef

here, if he could find anybody who would sell it to him.

The numerous grants of townships in 1780, and after, by the State, played an important part in increasing the necessary funds to defray the State expenses and to maintain an army for the defence of their rights. The reader will remember that Congress on June 2, 1780, had declared the acts of Vermont in asserting her independence and in continuing its grants of land in violation of the resolutions of Congress of the fall of 1779, were highly unwarrantable and subversive of the peace and welfare of the United States, and required the people of the State to forbear and abstain from all acts of authority, civil or military, over the residents of Vermont, who preferred the jurisdiction of another State. This demand of Congress was regarded by the Governor and Council in the nature of a declaration of war, and the Governor protested against this action, and notified the President of Congress that Vermont would continue her appeal to heaven and to arms. In that critical condition the General Assembly of October, 1780, determined to put Vermont on a war footing, and gave the Board of War full power to raise an army, or call out the militia, and by numerous land grants furnished the "sinews of war." The disposable and ungranted land of the State and the improved land of Tories, were the sources of the revenue of the State, which relieved Vermont from heavy taxes. All the other States were groaning under the burden of taxation. This condition of things in Vermont led Ira Allen to say,

It was thought good policy not to lay any taxes on the people, but to raise a sufficient revenue out of the property confiscated and the ungranted lands. Hence it was found that those who joined the British were benefactors of the State, as they left their property to support a government they were striving to destroy. It is further to be observed, that not only the taxes and war expenses were paid by the sale of the enemies' property, but new and firm friends were added to the government. While the other States in New England were severely taxed to carry on the war, Vermont had no taxes to pay. These circumstances greatly promoted migrations into Vermont.

This policy was systematically pursued. A printed form of petition to the General Assembly for a land grant, was prepared and widely circulated through New England, the middle States and in the Continental army. Land companies were formed in New Hampshire, Massachusetts, Connecticut and Rhode Island and by officers in the Continental army; and members of Congress were not excluded. This state of things caused General Washington in 1783, to write, "Two things I am sure of, namely: that they (the members) have a powerful interest in the New England States, and pursued very politic measures to strengthen and increase it, long before I had any knowledge of the matter, and before the tendency of it was seen into or suspected, by granting upon very advantageous terms large tracts of land; in which I am sorry to find, the army in some degree have participated." Large sums were raised

through these grants, in part, in anticipation of a possible contest with New York, and even with Congress. A committee was appointed to report what lands could be granted and what persons would most conduce to the welfare of the State to have such grants. This shows that not only money was wanted, but men of influence both in and out of the State. The first grant recommended by the committee was that of Montpelier. On October 21, 1780, the House directed that the grant be made to Colonel Timothy Bigelow and Company, and that the Governor and Council were requested to issue a grant or charter of incorporation of said township of Montpelier. The grantees were required to pay for the grant four hundred and eighty pounds in hard money or an equivalent in Continental currency. In some cases lead and flint were accepted for the grants, instead of hard money. More than fifty townships were granted at the October session of 1780. Ira Allen's account as State Treasurer from March 1777, to October 1786, was, omitting shilling and pence, as follows: Continental money received of Commissioners:

For confiscated property	£190,433
Lawful money received for lands granted	66,815
State notes (bills of credit) issued	24,750
Cash received in lawful money from taxes	38,536
Cash received on hard money taxes	7,411

In the year 1791, Allen reported that for that year the average state tax *per capita* was but six pence three farthings to each inhabitant.

At times the military strength was too small

to protect all the settlements in the State. The Assembly appointed a committee to report where the frontier lines should be established during the campaign of 1781. The committee reported, on February 14th, 1781, "that the line of defence on the west side of the Green Mountains be established at the forts of Pittsford and Castleton, and by no means to be drawn further south unless by urgent necessity by the opposition of a superior force of the enemy."

Ebenezer Walbridge and Thomas Porter, who were a committee to sign bills of credit emitted by the State, suspected that Samuel Avery and Ezra Stiles and others were "concerned in the wicked plan of counterfeiting said money," and a warrant was issued June 13, 1781, directed to Benjamin Fay, to arrest them, and bring them before the Governor and Council at Bennington, and "to make diligent search in all suspected places, and break locks and doors for counterfeit money." These persons were examined and liberated.

It has been stated in the first volume of this history that there were negotiations carried on between the authorities in Vermont with the British in Canada ostensibly to agree upon a cartel for the exchange of prisoners, and that the British took this opportunity to induce the Vermonters to forsake the American cause and unite with them. A correspondence was entered into between those high in authority in Vermont with General Haldimand, the British general in Canada, on that subject. This negotiation and correspondence, of whatever nature or design of it was, was kept

within a very narrow circle, and the knowledge of which was intended to be kept from the people, but it came very near being given to the public by what took place between the British General St. Leger and the officers commanding the Vermont troops. It was nscessary to keep up a show of hostile designs between the Vermont army and the British forces, therefore, General St. Leger, at the head of the British army from Canada, ascended Lake Champlain and rested at Ticonderoga. General Enos had the command of the troops of Vermont with his headquarters at Castleton. Each army sent out scouts, and shots were exchanged between them. Sergeant Tupper of the Vermont troops was killed and his body fell into the hands of General St. Leger who sent all of Tupper's clothes with an open letter to General Enos, informing him of his regret for the fate of the sergeant and made an apology for his death. General Enos sent the news of the arrival of St. Leger at Ticonderoga at the head of the British army, and the death of Tupper with St. Leger's apology for his fate to Governor Chittenden by a messenger. When the Governor received the message he was sitting in a large room at Charleston with some other persons. These persons were eager to learn of the negotiations, supposed to be carried on with the British, for the purpose of making an ill use of the information. While the message from General Enos was being read by the Governor, Major Runnals, who had heard something about St. Leger's apology, came in and inquired of Ira Allen, "what was the reason that General

St. Leger was sorry that Sergeant Tupper was killed." Allen said he could not tell, but observed "that good men were sorry when good men were killed or met with misfortune, which might be the case with General St. Leger." This enraged Runnals. Allen then requested Runnals, "to go at the head of his regiment, and demand the reason of his sorrow, and not stay there asking impertinent questions, eating up the country's provisions, doing nothing when the frontiers were invaded." Other high words passed between them that drew the attention from the letters and message sent the Governor and Colonel Allen from General Enos and other officers. The Governor immediately summoned the Board of War to meet in secret session at his chambers where new letters were made out purporting to come from General Enos and other officers of his army, to be used for the information and satisfaction of the public and read in Council and the Assembly for the originals and then returned to the Governor. These letters contained everything that was in the originals except the negotiations had with the British which prudence dictated to be separared from the other part, that the public might not thwart the object of the negotiation that the Board of War and some leading Vermonters had in view. Soon after the news came of the surrender of Lord Cornwallis and his army. When this surrender was made known to General St. Leger he and his army returned to Canada. Thus ended the campaign of 1781. It has been seen that the object of the Haldimand correspondence on the part of Ver-

mont was to make the British believe, that if they let the northern campaign of 1781, go by without forcing Vermont to defensive measures, Vermont could be induced to cast in their fortunes with them. While the Vermonters in fact never intended to carry out that purpose. It was simply a ruse to get rid of the horrors of a bloody campaign. Chief Justice Samuel Church of Litchfield, Connecticut, in an address at Salisbury in that State in 1841, declared that the policy of Vermont, in the Haldimand Correspondence and the eastern and western unions was shaped and her designs accomplished, by the advice of a confidential Council and friends of Vermont, assembled at the house of Governor Wolcott in the village of Litchfield, Connecticut.

In May 1782, seventeen British prisoners were taken to Canada and exchanged for forty citizens of Vermont and neighboring States who had been captured by the British.

John Murry, 4th Earl of Dunmore, who was born in 1732, and descended in the female line from the house of Stuart, and who succeeded to the peerage in 1756, was made Governor of New York, in January 1770. While Governor of New York, in a period of less than five months between February 28th and July 8th, 1771, he granted lands in Vermont to the amount of 511,900 acres, all of which had been previously granted by Gov. Benning Wentworth of New Hampshire; of this quantity of land, 51,000 acres were granted, in the name of other persons, for himself. His fees for these grants amounted to $14,248.44.

The titles of land under the New Hampshire grants were incidentally confirmed, at least, by the British board, which had jurisdiction of land titles in America, eighteen years after the King and Council on the 24th day of July, 1767, commanded that the Governor of New York was not to make any grant of any part of the land known as the New Hampshire Grants. On December 24, 1786, John Munro of Shaftsbury wrote to James Duane that he had been to England to get compensation for loss of his property; that in September 1785, the Commissioners awarded him a pitiful sum, having made large deductions from his claim; and he declared that "we discovered that the deduction was owing to the New Hampshire claims covering the most part of my property."

Joel Bigelow, Elijah Prouty and William Shattuck were returned by the Cumberland County Committee of Safety to the session of January 21, 1784, of the New York Convention; they were the last representatives of Cumberland County in New York.

In 1791, an act was passed that every possessor of improved land should cut the thistles in the month of July or August in each year and a penalty not exceeding thirty shillings for each neglect, with costs of prosecution.

The first reward offered by the Assembly for the detection of crime was in 1791. On the night of October 6th, 1791, the Windham County court house was burned, and on the 24th of October following that of the County of Windsor was also burned. The Assembly advised Governor Thomas

Chittenden to offer a reward of five hundred dollars for detection of the incendiaries, and the Governor, accordingly, issued his proclamation.

An act in 1791, was passed to meet the conscientious scruples of the Quakers. It was enacted that "Whereas the people called the Quakers, living in this State, have petitioned the Legislature, informing them that they feel a tenderness in their conscience with respect to paying taxes in the expenditure of which, sums of money are paid to the Chaplains of the General Assembly; and whereas this Legislature are ever willing to show their readiness to comply with the seasonable request of all such people as may think their rights of conscience infringed on." Therefore it was enacted that such sum as may be necessary for that purpose, shall be paid out of the avails of fines and penalties laid by the Supreme Court.

CHAPTER VIII.

INTERNAL AFFAIRS OF VERMONT AND THE CONTROVERSY WITH NEW YORK.

CONTINUED.

In the year 1774, to get rid of the Colony of New York, a plan was formed by Colonel Ethan Allen, Amos Bird, Colonel Philip Skene and other principal characters among the people, to establish a new royal colony, which was to contain the Grants of New Hampshire west of the Connecticut River and the country north of the Mohawk River to latitude 45° north, and to be bounded west by Iroquois River and Lake Ontario. Skene had been an officer in his Majesty's service, and had retired on a large patent of land lying at the south end of Lake Champlain, which was called Skenesboro (now Whitehall) which was regarded as a proper site for the capital of the new colony of which Skene was proposed to be Governor. With this in view he went to London, at his own expense, to accomplish that object. Had he succeeded, important results would have come to individuals and to the public. If that event had taken place the people who settled under the royal grants of New Hampshire would have been quiet, and relieved from the oppressive conduct of the Governor and Council of the Colony of New York.

At London Colonel Skene got himself appointed Governor of the garrisons of Ticonderoga and Crown Point, and then was advised to delay making application for the charter of a new colony, and first bring forward a petition from the people living in the proposed colony to the King and Privy Council, stating therein, "that in order to restore harmony in said district and for the convenience of administering justice in a department very remote and extensive, his Majesty would be pleased to establish the territory aforesaid, with colonial privileges, and appoint Colonel Philip Skene Governor thereof." At that time matters seemed favorable for the establishing of a new colony, but soon the approaching war in America put an end to the negotiations for a royal colony that was to surround that important body of water, Lake Champlain. This was a separate project from the attempt to form the west union with Vermont. It has been asserted that Colonel Skene actually obtained a charter for Skene's Province, but no actual proof has ever been produced of its actual existence, and it is probable that the then approaching Revolutionary War served to put an end to the whole scheme before the charter was actually granted.

It was resolved by the Governor and Council June 19, 1781, "that Mr. Samuel Sherman be employed to ride post from his Excellency's in Arlington to Camp Headquarters at Castleton once a week for three months from the date hereof, to go up one road by the way of Tinmouth and return by way of Pawlet; that for his encouragement he

be allowed fourteen shillings per week out of this State's treasury, he to convey all public letters and dispatches free of all other expenses."

On June 9, 1785 articles of impeachment were laid before the Council by Stephen R. Bradley, pursuant to an act of the General Assembly passed October 16th, 1783, against John Barrett, a Justice of the Peace of Springfield, for mal-administration in office for rendering judgement and corruptly awarding execution in suit against one Holmes, at the suit of one Shaw when he knew the parties had settled and Shaw had given orders to have the suit withdrawn, and for corruptly rendering judgement and awarding execution against one Prouty of Brattleboro, when he knew said Prouty had been dead for three years. Barrett was tried and found guilty, and asked that his case might be reviewed, which request was denied by the Council, but by an act of the Assembly a rehearing was granted. A new trial was had and he was found guilty again on October 24, 1785, and suspended from office for six months, and ordered to pay the costs of prosecution.

When Gov. Chittenden was declared elected for another year in October, 1784 ,for Governor of the State, he made a congratulatory speech on the ratification of the Articles of Peace between Great Britain and the United States. The ceremonies attending the inauguration were unusually imposing, the account of which in the Vermont Journal was as follows, viz.:

"On the 14th instant, (being the second Thurs-

day of October,) the annual General Election of this State was held at Rutland. In the morning, a company of troops, completely equipped, and dressed uniformly in scarlet, from Col. Clark's regiment of Rutland, proceeded to Wallingford, where they met his Excellency and a part of the honorable Council, whom they escorted to Rutland. The attention of the officers, and the alertness and activity of the privates, was parallel to that of veteran troops—orders were given with judgment, and executed with precision. About 11 o'clock they proceeded to the meeting-house, where a sermon was preached, by the Rev. Job Swift of Manchester, very suitable to the occasion. In the afternoon, Col. Clark's regiment of foot, the horse, and a company of artillery were paraded, when the whole were reviewed by his Excellency; after which thirteen cannon were fired for the United States, and a fourteenth for Vermont, succeeded by an equal number of vollies from the foot and horse. The militia then paraded at proper distances from each other, the troop rode through, & the usual firings were performed—at the same time regular discharges were given by the artillery, which added a grace and dignity to the maneuvers. Indeed the whole exercises of the day were such as did honor to the performers."

The town of Wilmington was first chartered to Phineas Lyman of New Hampshire April 29, 1751, but on the ground that the conditions of the charter had not been complied with, New Hampshire again chartered the town, by the

name of Draper to Francis Barnard and sixty others June 17, 1763. Subsequently the name was changed to Wilmington again.

The first Council of Censors, the election of whom was declared May 6, 1785, were as follows, viz.: The Hon. Ebenezer Walbridge, Jonathan Brace, Micah Townsend, Ebenezer Marvin, Increase Mosely, Elijah Robinson, Joseph Marsh, Ebenezer Curtis, John Sessions, Jonathan Hunt, Benjamin Carpenter, Stephen Jacobs and Lewis Beebe, Esquires. The Convention called by the first Council of Censors met at Manchester on the last Thursday in June, 1786, and adopted part of the amendments of the Constitution which had been proposed by the Censors. The General Assembly, October 20, 1786, "Resolved that the Committee appointed by the Convention for preparing the Constitution for the press, lay before the General Assembly at their next session the journal of said Convention in order to see if some particular sections of the Constitution are not omitted through mistake." From this it would seem that the Constitution was redrafted by a Committee of the Convention, so as to incorporate the amendments. The Constitution was signed by order of the Convention July 4, 1786, by Moses Robinson, president, and Elijah Paine, secretary, and first printed in the Vermont Journal, from August to October, 1786.

From a letter written by Jacob Bayley October 28, 1787, to Gov. Clinton of New York, it appears that Clinton had, or claimed to have, an interest in considerable land in Vermont, which

shows the ground of his hostility to the independence of Vermont. Bayley had become a member of the Vermont Council; he wrote Gov. Clinton asking pay for his sufferings in behalf of New York. He wrote him that "Your land in Newbury is safe— have secured Hillsborough [part of Danville] all others on the York grant is gone, or at least granted by this State. If I could have had a plan or map of your claim I might have saved some. John Kelley has a grant of St. George (formerly Shelbyvale) and now Lowell, and says it is all his. I wish to know and have the bounds set." Gov. Clinton claimed land in Cavendish under a New York grant. Hillsborough covered about one half of the present town of Danville, which was chartered by Vermont to Bayley and his associates October 31, 1786. The name of Gov. Clinton did not appear in the list of persons who were compensated for land out of the Vermont fund that New York received on surrendering her claim to Vermont territory: hence he either disposed of his claim to others or forbore to make it known, lest he might be charged with pecuniary interest in his persistent opposition to the independence of Yermont.

In 1788, the several towns were assessed each their proper portion of the expense of surveying town lines and cutting roads.

In those early days the Governor was received at the opening of the General Assembly with a good deal of pomp and military demonstration. An account of Gov. Chittenden's journey to meet the Assembly in 1789, as stated in the Vermont

Journal of October 14, 1789, was as follows, viz.: "On the day preceeding the meeting of the two houses Gov. Chittenden was met at Hartland by a company of cavalry commanded by Captain Elisha Hawley of Windsor, and safely escorted to Westminster, where he met the General Assembly of this State. They were supplied with every necessary while on the road (which was two days,) and on their return home, at his Excellency's expense." The election sermon was delivered by Rev. Dan. Foster of Northfield.

In the early history of Vermont there was no law that required that the representatives to the General Assembly should be residents of the town they represented. In 1789 Hon. Noah Smith, a resident of Bennington, represented the town of Johnson. There may have been other instances. It is claimed that Highgate was represented by John Knickerbacor, a non-resident, in 1790, 1791 and 1792.

There was no choice of Governor by the people in 1789, whereupon the Council and the Assembly met in grand Committee and chose Moses Robinson, Esq., Governor, but the next year Thomas Chittenden was again elected Governor by the people by a majority of near 1300 votes.

Gov. Robinson, on quitting the supreme magistracy October 14, 1790, addressed the gentlemen of the Council and the House of Representatives as follows, viz.:

"At the last annual election of the officers of this government, there was no choice made by the freemen of the supreme magistrate of the state; it

was therefore the duty of the council and house of representatives, by their joint ballot, to elect some person to that office; it was the pleasure of the two houses to honor me with the appointment, of which I cheerfully accepted, and am conscious to myself that I have faithfully discharged my duty in the execution of that trust.

"It appears from the present election, that the freemen have given their suffrages in favor of his excellency governor CHITTENDEN. I heartily acquiesce in the choice, and shall, with the greatest satisfaction, retire to private life, where I expect to enjoy that peace which naturally results from a consciousness of having done my duty.

"The freemen have an undoubted right, when they see it for the benefit of the community, to call forth their citizens from behind the curtain of private life, and make them their rulers, and for the same reason to dismiss them at pleasure and elect others in their place. This privilege is essential to all free, and to republican governments. As a citizen I trust I shall ever feel for the interest of the state: the confidence the freemen have repeatedly placed in me ever since the first formation of government, lays me under additional obligation to promote their true interest.

"Fellow citizens of the legislature, I wish you the benediction of heaven in the prosecution of the important business of the present session; that all your consultations may terminate for the glory of God and the interest of the citizens of this state, and that both those in public and private life may so conduct, in the several spheres in which God in

His providence shall call them to act, as that, when death shall close the scene of life, we may each of us have the satisfaction of a good conscience and the approbation of our JUDGE."

The House through its speaker, Gideon Olin, made the following answer, viz.:—

"Although the suffrages of the freemen of Vermont have replaced his excellency Governor Chittenden in the chair of government, for the year ensuing, yet their representatives in general assembly are happy in having an opportunity of expressing their entire satisfaction with your late administration; and beg you to accept their warmest thanks for the services you have rendered them.

"In republics like ours, every citizen has an equal right to be elected into the first office of government: upon this principle, we flatter ourselves you will feel no regret in retiring from office, and mixing with your fellow citizens, till they shall again call you to public view.

"In your retirement, we wish you the full enjoyment of all the happiness and tranquility which result from domestic life, and a consciousness of having discharged every duty both as a private citizen and a chief magistrate with faithfulness and integrity."

On the return of Gov. Chittenden to the executive chair he was honored by the military display and public gathering usual on election day at that time, and he addressed the gentlemen of the Council and the Assembly as follows, viz.:—

"I have received official information of my ap-

pointment by the freemen of this state to be their governor for the year ensuing. My heart is imprest with a grateful sense of the singular respect shewn and honor done me by this election.

"This day witnesses the excellence and beauty of our glorious constitution; which by the blessing of heaven, the fortitude and perseverance of former conventions, councils, and assemblies, with the aid of the military force, we have obtained and supported, against the opposition of a potent foreign power, a haughty neighboring government, and numerous domestic opposers. The constitution, gentlemen, groped in the dark for days, months and years, but now it shines with purer lustre. By it our lives, properties, liberties and privileges, civil and religious, are protected: By it we retain a right to choose our own rulers and that from among ourselves;—by it we are rescued from submitting to the edicts of any foreign power, or neighboring government, while every civil officer is annually taught his dependence. The appearance of this day also evinces, that our government is well established, the minds of the people happily cemented, and every thing contributes to complete our political felicity, and prepare the way for the happy day when we shall add no small weight to the scale, and be under the protection of a new and glorious empire. which bids fair in a short time to vie in power and policy with any of the European States, which gives me more satisfaction than all the honors in the power of this or any other state to confer on me.

"It is with some reluctance that I shall enter again into public service, all circumstances considered; yet the good of this people lies so near my heart, that when duty calls, nothing shall deter me from acting that part I judge will contribute most to the peace, happiness and prosperity of the people. Therefore with a firm reliance on receiving that kind aid and support from the Council and House of Representatives that the nature of my office requires, I shall accept the office to which I am elected, and am ready to take the qualifications pointed out by the constitution; and I pray God to grant me wisdom to conduct agreeable to His will, and then I trust it will be for the best good of His and my people."

CHAPTER IX.

EARLY LAWS OF VERMONT.

Previous to 1724, the territory now called Vermont was an entire wilderness, and down to that time there were no traces of human existence within her borders except an occasional residence of the Indian. The soil for ages had been enriched with decaying vegetables. This was the situation of the country when it began to be the abode of civilized man. Lands were cheap. The first settlers were principally emigrants from New England and for the most part of an English origin, which accounts for the adoption of English customs and laws hereafter mentioned. All the dangers and hardships incident to pioneer life and new settlements in a vast wilderness surrounded by savages and exposed to want, were encountered by the settlers. None but energetic, hardy and brave men and women would seek homes in the then unbroken wilderness of Vermont; but they came and arose above the perplexing difficulties that beset them. They had high ideas of liberty and independence and great confidence in their abilities which served to carry them through the hardships of the early settlements and the trying ordeal through which they had to pass in their controversy, not only with Great Britain, but with New York, that has been so fully delineated

in this and the previous volume. Many of the first settlers were men of superior talents though unpolished. Their traits of character always marked their action and proceedings in the Council and the field and fitted them to inaugurate and maintain their town and State governments that they afterwards set up for themselves. The first settlers did not come here with the views of establishing an independent government, but to cultivate the soil, to make themselves homes and procure a competency for themselves and their children. It was not so much a matter to them, whether they should be under the government of New Hampshire or New York, provided they were permitted to enjoy, unmolested, the hard earned fruits of their industry. With this view in mind they paid for their lands and took the title of the same by grants from the Governor of New Hampshire with a confident reliance that the title thereto, derived from the Crown, was without a flaw. When New York claimed they had a superior right to their lands and sought to dispossess them of it, the settlers' only alternative was to make a determined resistence, and resorted to the law of self defence. New York seemed to adopt the principle that might made right. The settlers, therefore, said, We recognize no authority coming from New York, but we will establish our own laws and maintain our rights by force of arms if need be.

At this time there was no state government worthy of a name. When New York made her claim to the lands to Connecticut River, New

Hampshire soon withdrew her claim to the territory and consequently her protection to its inhabitants. This left nothing but town governments apart from New York. These towns on the New Hampshire Grants were small republics. There was no other regular government in the State. Everything was unsettled; there was no social compact, nor any bond of union save that which resulted from common wants and common danger of the people, but it was a strong bond created out of urgent necessity. Every arm of the settlers was nerved for resistance against New York. The settlers fell back upon their natural rights and the law springing from them. To give effect to these rights and the resistence, town meetings were called through the grants; committees of Safety were appointed, to act in behalf of the people in the defence of their rights in the absence of a State government. Conventions were called in which different towns were represented by their town committees or delegates. From these organizations decrees went forth for the maintenance of the rights of the Grants, and especpecially against the actions of the Yorkers, which were enforced by the application of the *beech seal.* The executors of these decrees became a terror to evil doers.

Until the adoption of the Constitution in 1777, the people were governed by the most despotic power, and but little regard was paid to such laws as exist in well regulated governments. After the government of the State was organized un-

der the Constitution in 1778, the people began to live under laws enacted by the General Assembly which reflected the will of the people, and not longer under arbitrary power. The people saw the necessity of having a government of law. So much of the common law of England as was applicable to our local situation and circumstances, and not repugnant to the Constitution and laws of the State, was adopted and considered the law of this State. This was a wise provision, as the common law had grown up and expanded, little by little, through a long term of years to meet the wants and necessities of the people. At the October session of the Assembly of 1788, an Act was passed constituting a Court of Chancery. "It was enacted that a Court of Chancery be constituted within and for the State of Vermont to be holden in the several Counties at the several terms and places appointed by law for holding the Supreme Court of judicature of this State in each and every County. And the judges of the Supreme Court of judicature as aforesaid, two of whom to be a quorum, and they are hereby constituted and appointed judges as chancellors of said court with all the powers exercised by that court in the Kingdom of Great Britain and the neighboring States, not repugnant to the Constitution. And that all bills or matters heretofore brought and depending before a Court of Equity in this State and undetermined be taken up in the same stage in which they were left by said former Court."

The Act of the General Assembly at its October

session in 1786, constituting the Supreme Court, a Court of Equity, repealed the Act of October 22, 1779, that authorized the Governor and Council and General Assembly to try certain cases in equity.

Thomas Chittenden on taking the oath of office as Governor on the 14th of October, 1779, made a speech before the General Assembly, the noble words of which are worthy of record, and are as follows: viz.,—

"GENTLEMEN:

The Legislature having constitutionally met, I cannot forbear expressing to you my highest satisfaction in the many great and important advantages arising from the due execution and careful administration of the laws, since they took place, and cannot but rejoice when I reflect on the infinite diffenence between a state of anarchy and that of a well regulated government; the latter of which we daily experience. And I most earnestly recommend to all magistrates, and others in authority under me, together with the freemen over whom I have the honor to preside, to persevere and let their conduct be uniformly just, and upright, and encourage one another to unite iu the supporting and maintaining their common rights; which cannot fail to recommend this State to the impartial world. At the same time am unhappy to inform you that, notwithstanding the generous and lenient measures with which the disaffected inhabitants in the lower part of Cumberland County have been indulged, yet they continue in their unjustifiable obstinacy against the authority

of this State; I shall, however, recommend the suspension of the laws intended to have been executed on those offenders, at present, in consequence of a letter received from his Excellency John Jay, Esquire, President of Congress, inclosing certain acts passed by that honorable board, relating to a final settlement of all difference subsisting between this and the adjacent States; which I now submit to you for your consideration; a subject of the greatest importance, and demands your most serious attention.

"Your agents to Congress have attended, agreeable to their instructions, from time to time. Their proceedings I shall now lay before you for your perusal and approbation; which, I hope, will prove satisfactory. From every circumstance, I think we have the highest reason to believe that from the efforts of our agents and the interposition of Congress, our unhappy disputes with the neighboring States, will soon terminate in a final and happy issue.

"With respect to the present situation of the domestic affairs of the State, it is with pleasure that I inform you that the measures pursued by the Board of War, by the assistance of Divine Providence, have proved effectually sufficient to defend our frontiers, against the ravages of the common enemy, while they have been permitted to execute their horrid vengeance on many of the innocent inhabitants of the different parts of the continent; which, in some measure, proves the approbation of Heaven to our Independence, and justifies the measures pursued to support and de-

fend it. As the time for which the troops now in service, are engaged, expires the middle of November next, you will be careful to make such provisions for future defense, as your wisdom shall direct."

The act specially referred to was that of June 1779, to prevent persons from exercising authority unless lawfully authorized by the State, which, though general in terms was specially aimed against all persons who should attempt to act in the name and by the authority of New York, and was as follows: viz.,

"BE IT ENACTED, &c. that if any person within this State, (except continental officers) shall, after the first day of September next, accept, hold, or exercise any office, either civil or military, from or under any authority, other than is or shall be derived from this State, and be thereof duly convicted, shall, for the first offense, pay a fine not exceeding one hundred pounds, lawful money, according to the discretion of the court which may have cognizance thereof; and for the second offence of the like kind, shall be whipped on the naked body not exceeding forty stripes, according to the discretion of the court before whom they are prosecuted: and for the third offence, shall have their right ear nailed to a post, and cut off; and be branded in the forehead with the capital letter C, on a hot iron. This act to continue in force until the rising of the Assembly in October, 1780, and no longer."

On March 23, 1778, the Assembly passed an act to pay the surgeons for dressing the wounds of

the soldiers of this State that were wounded in the Bennington action. After the laws that had been enacted and promulgated in 1779, his Excellency Thomas Chittenden issued his proclamation requiring their due observance and was as follows: viz.,

"WHEREAS, The virtuous efforts and laudable exertions of the good people of this State, have not only enabled them (by the benevolent interposition of the all-wise Governor of the universe) to frustrate the wicked devices, the despotic and tyrannical designs of their foreign as well as domestic enemies, but has procured to themselves the inestimable blessings of a free and independent government, and merited the esteem and confidence of the United States of America.

"And Whereas, it has ever been found (by universal experience) in all free governments, to be of the highest importance, both for the honor of God, the advancement of religion, and the peace, safety, and tranquility of the inhabitants thereof, that good and wholesome laws be established, and justice impartially administered throughout the same, in order to secure each subject in the peaceable enjoyment of his rights and liberties both civil and religious. And whereas the laws of this State are now promulgated in a full and legal manner amongst the inhabitants thereof, whereby each subject may become acquainted with his duty:

"I have therefore thought fit, by and with the advice of my Council, and at the request of the General Assembly, to issue this Proclamation, and

do hereby strictly require, charge and command all persons, of what quality or denomination soever, residing within this State, to take notice thereof, and govern themselves accordingly, on pain of incurring the penalties therein contained.

"And I do hereby further strictly require and commannd all magistrates and justices of the peace, sheriffs, constables, and other civil officers, to be active and vigilant in executing the laws aforesaid, without partiality, favor or affection.

"Given under my hand, and the seal of this State, in the Council Chamber, in Bennington, this 26th day of February, in the third year of the Independency of this and the United States of America, and in the year of our Lord, one thousand seven hundred and seventy-nine.

THOMAS CHITTENDEN.

By his Excellency's command, with advice of Council. JOSEPH FAY, *Sec'y.*

GOD SAVE THE PEOPLE."

The early laws of Vermont are not only interesting subjects of study, but they throw much light on the habits and disposition of the people, showing their independence and spirit of patriotism and showing a disposition to deal severely with those who were disobedient, lawless, and disloyal to the government. There appears to have been but little Statute law enacted by the Genenal Assembly, except that which was intended for a temporary purpose, until 1779. The following note found in Slade's State Papers throws light on this point: viz.—

"Much exertion has been made to obtain a copy

of the laws of 1778,—but without effect. They were published towards the close of that year, in a pamphlet form, but were never recorded in the Secretary's office. No records appear to have been made in that office until the year 1779; when the Constitution, and the laws of that year were recorded. The laws of 1778, were probably declared to be *temporary*—as were the laws of several succeeding years—and ceased to have effect before any records were made. Some of them, indeed, were, obviously, designed to answer a temporary purpose only,—such as the acts, enacting certain laws 'as they stand on the Connecticut law book;' and all appear, so far as we can learn from the journals of the legislature, to have possessed the character of mere temporary regulations, rather than permanent laws. Some of them were probably re-enacted, in substance, in the year 1779, and incorporated in the general code of that year. These considerations may explain the extraordinary fact that the recording of those laws was purposely omitted. It is indeed a subject of regret that any cause should have been thought sufficient to justify a neglect, by which the first essay at legislation, by the government of Vermont, has been lost to succeeding generations."

An act for securing the general privileges of the people, and establishing common law and the Constitution, as part of the laws of the State was passed at the February Session of the Assembly 1779, held at Bennington, and was as follows: viz.—

"FORASMUCH as the free fruition of such liber-

ties and privileges as humanity, civility, and christianity call for, as due to every man, in his place and proportion, without impeachment and infringement, hath been, and ever will be, the tranquillity and stability of churches and commonwealths; and the denial or deprival thereof, the disturbance, if not ruin of both:

"Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no man's llfe shall be taken away; no man's honor or good name stained; no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished; no man shall be deprived of his wife or children; no man's goods or estates shall be taken away from him, nor any ways indamaged, under colour of law, or countenance of authority; unless it be by virtue of some express law of this State, warranting the same, established by the General Assembly; or, in case of the defect of such law, in any particular case, by some plain rule, warranted by the Word of God.

"That all the people of the American States, within this State, whether they be inhabitants or not, shall enjoy the same justice and law that is general for this State, in all cases proper for the cognizance of the civil authority and courts of judicature, in the same, and that without partiality or delay; and that no man's person shall be restrained or imprisoned, by any authority whatever, before the law hath sentenced him thereto, if he can and will put in sufficient security, bail, or

mainprize, for his appearance, and good behaviour, in the mean time; unless it be for capital crimes, contempt in open court, or in such cases wherein some express law doth allow of, or order the same.

"Be it further enacted by the authority aforesaid, that common law, as it is generally practiced and understood in the New-England States, be, and is hereby established as the common law of this State.

"Be it further enacted by the authority aforesaid, that the constitution of this State, as established by general convention held at Windsor, July and December, 1777, together with, and agreeable to, such alterations and additions as shall be made in such constitution agreeable to the 44th section in the plan of government, shall be forever considered, held, and maintained, as part of the laws of this State."

The last clause of this act that the constitution "shall be forever considered, held, and maintained as a part of the laws of this State," would seem to be a work of supererogation, as the constitution was the fundamental law of the land. This singular proceeding can only be accounted for from the fact, as we have seen by the former volume of this history, that the constitution had never been submitted to or sanctioned by the people, but went into operation as it came from the hands of the convention that framed it.

At the said session the Assembly passed a law giving Justices of the Peace jurisdiction to try and determine causes where the matter in demand or

fine did not exceed ten pounds, or the corporal punishment did not exceed ten lashes; and award sentence where the title of land was not concerned. If the matter in demand, fine or punishment, exceeded what is stated above, the county court had exclusive jurisdiction. The infliction of corporal punishment was the practice of barbarous ages. The fact that that mode of punishment has gone out of date is an indication that the world is rising into a higher state of civilization. At the February session 1779, the General Assembly constituted and established one Superior Court for the State, consisting of one Chief Judge and four other judges. This was at a time when there were but two Counties in the State; and for that year the Superior Courts were to be held at Westminster and Newbury in the County of Cumberland and at Bennington and Rutland in the County of Bennington.

The statute was quite severe against persons for breaking open jails and rescuing prisoners. The statute on this subject was as follows: viz.,

"That if any person, or persons, shall impede or hinder any officer, judicial or executive, civil or military, under the authority of this State, in the execution of his office; on conviction thereof before the superior court of this State, shall be whipped on the naked back, not exceeding one hundred lashes for the first offence, and pay all costs and damages that shall accrue from such disorder, beside cost of prosecution: and for want of estate to pay said costs, damages, &c. the offender may be bound in service to any subject of

this State, for such time as shall be judged by said court to be sufficient to pay said costs, damages, &c. And said court are hereby authorized to bind said delinquent.

"Be it further enacted, by the authority aforesaid, that if any person shall be guilty of a second offence of the like nature, and shall be convicted thereof, he shall be branded with the letter C on the forehead, and shall be whipped on the naked back, not exceeding one hundred lashes; to be repeated every time of conviction.

"Be it further enacted, by the authority aforesaid, that if any person or persons, either directly or indirectly, shall break open, or aid or assist in breaking open, any goal, or place of confinement, wherein any prisoner or prisoners may be confined by the authority of this State, on conviction thereof, shall be whipped on the naked back, not exceeding one hundred lashes, and be branded on the forehead with the letter B, and pay a fine, not exceeding one hundred pounds, and all costs and damages that may accrue from such disorder, together with cost of prosecution; and for want of estate to pay said costs and damages, the offender may be bound in service as aforesaid.

"That the superior court, before the dismission of such delinquent, may call on him to give bonds, in surety, not exceeding three thousand pounds, for his good behavior: and in case such delinquent shall refuse to give such surety, said court are hereby empowered to confine such delinquent in any of the goals in this State."

In the early days of Vermont it was not safe to

be idle, as it was enacted by the General Assembly in February, 1779, "that the selectmen for the time being, in the several towns in this State, shall from time to time, diligently inspect the affairs and management of all persons in their town, whether householders or others; and if they shall find any person or persons that are likely to be reduced to want, by idleness, mismanagement or bad husbandry, that then such selectmen may appoint an overseer to advise, direct, and order such person in the management of their business for such a time or times as they shall think proper; certificate of which appointment shall be set on the sign post, and a copy thereof lodged in the town clerk's office, by such selectmen forthwith; and thereupon no such person, while under such appointment, shall be able to make any bargain, or contract without the consent of such overseer, that shall be valid in law." There were further provisions made by the act that if the orders of the overseer were not heeded, the selectmen after investigation and hearing duly had were to take care of the delinquent's family and property.

The constant danger to which the people of the State were exposed from foes without and disloyal persons within the State required that several regiments of well drilled militia should be ready for service in defence of the State: Therefore it was provided by an act of February 1779, that the Governor should be captain general and commander-in-chief and the deputy governor, for the time being, should be major general, of and

over all the military forces within the State. The State was divided into five districts, and one regiment to be raised in each district, to be made up from the military companies of the several towns in the district. It was further provided that all male persons, from sixteen years of age to fifty should bear arms and duly attend all musters and military exercises where they belonged, "except ministers of the Gospel, councellors, justices of the peace, the secretary, judges of probate and superior and inferior courts, the president, tutors, and students at collegiate schools, masters of arts, allowed physicians and surgeons, representatives or deputies, for the time being, school masters, attorneys at law, one miller to each grist-mill, sheriffs, and constables, for the time being, constant jurymen, tanners who make it their constant business, lamed persons, or others disabled in body."

It was also provided, "That every listed soldier and other householder, shall always be provided with, and have in constant readiness, a well fixed firelock, the barrel not less than three feet and a half long, or other good firearms, to the satisfaction of the commissioned officers of the company to which he doth belong, or in the limits of which he dwells; a good sword, cutlass, tomahawk or bayonet, a worm, and priming-wire fit for each gun; a cartouch-box, or powder-horn and bullet-pouch; one pound of good powder; four pounds of bullets fit for his gun, and six good flints." And a penalty was provided if they failed to keep the same.

There was a law passed at the same session that

authorized and empowered the selectmen of any town to warn any transient person, that had not resided in such town longer than a year, who were not of a quiet and peaceable behavior, or was, in the opinion of the selectmen, likely to be chargable to such town, to depart out of such town, unless he obtains a vote of the inhabitants of such town, in a legal town meeting to remain in such town. If such person did not depart within twenty days, after being warned, he could be arrested and transported to the next town, towards the place where said person was last an inhabitant and so on to the place where such person was an inhabitant last, and out of the State if he was not an inhabitant thereof. Evidently one of the objects of this law was that a town might not be burdened with paupers, who belonged to other towns.

It was provided by a law of that session that every person who should be fined for the breach of any penal law and should not forthwith pay the fine or give good security for its payment, should be imprisoned, or bound out and kept in service until it be paid. If a person should be convicted of stealing money, goods or chattels to the amount of six pounds, the offender should forfeit and pay treble the value thereof to the owner, and be punished by whipping, not exceeding thirty-nine stripes, for one offence.

It was provided by an act that the General Assembly should appoint one or more surveyors in each county for the laying out of lands and running the bounds of land already laid out according

to their original grants, and running lines between adjoining proprietors. The surveyors also had the power to appoint chainmen to aid in measuring lines and to administer the oath to them to faithfully discharge their duty as chainmen.

The Governor and Council November 12, 1779, "Resolved that the several surveyors of this State be directed in running town lines, to allow one chain in thirty for swagg of chain." At the same session they "Resolved that every grantee of the town of Benson, his heirs or assigns, shall plant and cultivate ten acres of land and build a house at least 18 feet square on the floor, or have one family settled on each respective right or share of land, within the term of two years next after the conclusion of the present war between Great Britain and America, or within two years after the Province of Quebec shall be united with the free and independent States of America, on penalty of the forfeiture of his grant or share in said township, and the same to revert to the freemen of this State to be by their representatives regranted to such persons as shall appear to settle and cultivate the same." Similar orders and restrictions and clauses of forfeiture were inserted in many of the grants to encourage and make settlements permanent.

The same year the General Assembly passed an act to punish drunkenness, which provided "that if any person should be found drunken, so that he, or she, be thereby bereaved and disabled in the use of his or her reason and understanding, appearing either in his or her speech, gesture or behavior, and

be thereof convicted, such person was subject to a fine of eight shillings to be used for the benefit of the poor" in the town, and if he bad no property out of which the fine could be collected, the offender should sit in the stocks not exceeding three hours nor less than one hour.

For swearing and cursing, a person on conviction thereof forfeited six shillings and if the sum was not paid, the offender was required to sit in the stocks the time required as in the case of conviction of drunkenness.

There were many crimes that were punished with great severity: viz. if any person should conspire or attempt any invasion, insurrection or public rebellion against this State; or should treacherously and perfidiously attempt the alteration and subversion of our frame of government, fundamentally established by the constitution of this State, by endeavoring the betraying of the same into the hands of any foreign power; if any person rise up by false witness, wilfully, and of purpose to take away any man's life; if any person, of the age of sixteen years, or upwards, should wilfully and of purpose burn any house, barn or out house to the prejudice or hazard of any person's life; if any person, on purpose, and of malice forethought, and by lying in wait, should cut out or disable the tongue, or put out an eye or eyes so that the person was thereby made blind; or if any person within this State should blaspheme the name of God, the Father, Son or Holy Ghost, with direct, express presumption, and high-handed blasphemy, or should curse

in like manner, such person should be put to death.

The following law was of doubtful constitutionality: viz., "BE IT ENACTED, that when, and so often as any disorders and damages are done in the night season, that upon complaint speedily made thereof, to any court, assistant, or justice of the peace, they are hereby empowered to issue forth a writ or writs, for the bringing before him or them any such suspected person or persons, and examine him or them concerning such disorders and damages.

"And if such suspected person or persons, upon such examination, cannot give a satisfactory account to the authority before whom such examination is had, where he or they were, when such disorders and damages complained of, were committed and done, and that he or they had no hand in doing the same, he or they shall be liable to pay and answer all such damages as the person or persons complaining, shall have sustained or suffered, as aforesaid; and also such fine or punishment as the court, assistant, or justice, before whom the trial is had, shall see cause to order, not exceeding ten pounds."

An act for the punishment of burglary and robbery was as follows: viz., "that whosoever shall commit burglary, by breaking up any dwelling-house, or shop, wherein goods, wares, and merchandize are kept; or shall rob any person in the field, or highway; such person, so offending, shall, for the first offence, be branded on the forehead with the capital letter B, on a hot iron, and have

one of his ears nailed to a post and cut off; and also to be whipped on the naked body fifteen stripes.

"And for the second offence, such person shall be branded as aforesaid, and have his other ear nailed and cut off as aforesaid, and be whipped on the naked body twenty-five stripes.

"And if such person shall commit the like offence, a third time, he shall be put to death, as being incorrigible."

It was also enacted that each town shall have a town brand, to brand all horses therein near the left shoulder. Usually the brand consisted of a letter or figure. The inhabitants in each town were to choose a suitable person to be a brander of horses, who should be under oath and was required to make an entry of all horses branded, with the age and color, natural and artificial marks, in a book by him kept for that purpose. The act for marking cattle, swine and sheep was as follows; viz.,

"To prevent disputes, and differences that may arise in the owning and claiming of cattle, sheep, and swine, that may be lost or stray away,

"BE IT ENACTED, &c. that all the owners of any cattle, sheep, or swine, within this State, shall ear-mark, or brand, all their cattle, sheep, and swine, that are above half a year old; and that they shall cause their several marks to be registered in the town book.

"And whatsoever cattle, sheep, or swine, shall be found unmarked, and not branded as aforesaid; the owners thereof shall forfeit and pay

three shillings per head, one half whereof shall be to the complainer, and the other half to the town treasury."

At an early day in this State there was an attempt by legislation to break up or prevent the practice of lying. The good intentions and efforts of the legislators in this line have not been completely successful. The legislation referred to on this subject was as follows: viz.,

"That every person of the age of discretion, which is accounted fourteen years, who shall wittingly and willingly make or publish any lie, which may be pernicious to the public weal, or tend to the damage or injury of any particular person, or to deceive and abuse the people with false news, or reports, and be thereof duly convicted before any court, assistant, or justice of the peace, such person or persons shall be fined for the first offence forty shillings; or if unable to pay the same, then such person to sit in the stocks not exceeding three hours.

"And for the second offence in that kind, which such person shall be convicted of, shall be fined double the aforesaid sum; and if unable to pay the same, shall be whipped on the naked body, not exceeding ten stripes.

"And for third offence, double the fine for the second; or if the party be unable to pay the same, then to be whipped not exceeding twenty stripes: and yet if any such person shall offend in that kind, and be legally convicted thereof, such person, either male or female, shall be fined ten shillings each time more than formerly; or if unable to

pay such fine, then to be whipped as aforesaid, with five stripes more, each time, than formerly, but not exceeding thirty nine stripes at any time.

"Provided nevertheless, that no person shall be barred of his just action of slander, or defamation, or otherwise, by any proceeding upon this act."

The General Assembly undertook to stamp out the evil practice of slander by enacting a law against it, the preamble of which was, "Whereas defamation and slander is a growing evil, and tends much to the disturbance of the peace:" and then the act proceeded and declared, "that whosoever shall defame or slander any person or persons whatever, and be thereof legally convicted before any court in this State, shall pay a fine, not exceeding thirty pounds, to the public treasury of the county."

CHAPTER X.

EARLY LAWS OF VERMONT.

CONTINUED.

At the session of the Assembly held at Bennington in October 1780, an act was passed directing what money and bills of credit should be legal currency in the State. It was enacted "that all genuine coined gold, silver and copper, shall be legal money in this State, viz: gold, at the rate of five pounds per ounce; silver at six shillings and eight pence per ounce, and coined copper at two pence per ounce. And that the bills of credit emitted by the United States of America before the 18th day of March, 1780, be a legal tender as money according to their current value; having regard as well to their current value at the time of making all contracts as at the time of rendering judgement."

In 1780, it was found that sundry persons living in the frontier towns refused their personal assistance in defence of the frontier settlements and were suspected of holding secret and traitorous correspondence with the enemy and harboring and concealing them;—to prevent which the Assembly at its October session in 1780, passed a law, the first section of which was as follows: viz.,

"That it shall be the duty of the select-men of

any such frontier town, if they have good grounds of suspicion that any person or persons living in such town, do secretly correspond with the enemy; or any person or persons who do not feel themselves in danger from the common enemy, and refuse their personal assistance to defend said frontiers, or have, for a long time, neglected their duty therein,—to warn a meeting of the inhabitants of such town, reciting in such warning the names of the person or persons so suspected; and that the design of such meeting is to take into consideration whether they judge such person or persons to be dangerous to the safety of the frontiers. And whatsoever person or persons shall be, by such meeting, so warned, judged and voted to be necessary to be removed, either on account of their unfriendliness to the cause of America, or their unwillingness to support said cause, shall be, by warrant from an assistant or justice of the peace, directed to the sheriff of the county, his deputy, or either of the constables of such town, removed, with his family and effects, after twenty days, and within thirty days, at their own proper cost and charge, to the interior part of this State; which warrant such magistrate is hereby to issue, on application of the select-men of such town." The person so voted to be removed, had a right of appeal to the Governor for a rehearing.

The Assembly at its February session 1781, held at Windsor passed an act for quieting disputes concerning landed property which provided "that the Governor, Council and House of Repre-

sentatives shall sit as a court, to hear and finally to determine all disputes between proprietors holding under different charters, made out by one and the same authority."

The act of the Assembly passed at the session held at Windsor, April 1781, fixed the depreciation and the current value of Continental bills of credit, the value of which was to be measured agreeable to the following table, which shows the value of one hundred Spanish milled dollars in Continental bills of credit, at the several times therein expressed: viz.,

September 1, 1777,	100	April 1, 1779,	600
October 1,	110	May 1,	800
November 1,	120	June 1,	1000
December 1,	130	July 1,	1100
January 1, 1778,	140	August 1,	1200
February 1,	155	September 1,	1300
March 1,	170	October 1,	1450
April 1,	185	November 1,	1600
May 1,	200	December 1,	1800
June 1,	220	January 1, 1780	2000
July 1,	240	February 1,	2400
August 1,	260	March 1,	2800
September 1,	295	April 1,	3200
October 1,	325	May 1,	3600
November 1,	360	June 1,	4000
December 1,	400	July 1,	5000
January 1, 1779,	450	August 1,	6000
February 1,	500	September 1,	7200
March 1,	550		

It was stated in the first volume of this history that that part of New York that was denomi-

nated the West Union was annexed to Vermont. The act defining the territory that was taken, and extending legislation over it, passed at a session of the Assembly held at Bennington in June 1781, was as follows: viz.,

"Whereas it is found necessary, for the purposes of representation, and for exercising civil government, that the inhabited part of the following described district, viz.—Beginning at the north-west corner of Williamstown, and extending west, ten degrees north, to the centre of the deepest channel of the waters of Hudson's River; then up said river, and extending through the centre of the deepest channel thereof, to the head thereof; thence north, by the needle of the compass, to the latitude forty-five—(lately taken into union with this State) be divided into townships, with the usual incorporate privileges; and that the said district be annexed to said counties. Therefore,

"BE IT ENACTED, &c. that the districts of land, in said territory, commonly known by the names of Hosack, Cambridge, White-Creek, alias New Perth, Black-Creek, Skeensborough, Kingsbury, Scotch-Patent, alias Argyle, and Fort-Edward, be, and they are hereby incorporated, each of them, into a distinct township, and to be severally known and distinguished by the aforesaid names respectively; and are hereby vested with all the privileges and immunities, which other towns within this State do of right exercise and enjoy.

"BE IT FURTHER ENACTED, that the tract of

land within the said territory, lying west of, and adjoining to, Pownal, and north of the south line of said territory, and west of a line extended from the east line of the tract of land known by the name of Scorticook district, and south of Hosack district, be and is hereby incorporated into a township, by the name of Little Hosack; and that the tract of land, lying bounded west on the north river, south on the south line of said territory, north on the tract of land, commonly called Scorticook district, and east on Little-Hosack, together with the district of land, commonly known by the name of the district of Scorticook, be and is hereby incorporated into a township, by the name of Scorticook; and that such part of the tract of land, known by the name of the district of Saratoga, as is included in said territory, be and is hereby incorporated into a township, by the name of Saratoga-East; and that the tract of land, lying west of, and adjoining to, Pollet, and north of, and adjoining to, Black-Creek, and westerly on Kingsbnry and Skeensborough, be and is hereby incorporated into a township, by the name of South-Granville; and that the tract of land, north of said South-Granville, as far north as the west-line of the township of Wells extends, be and is hereby incorporated into a township, by the name of North-Granville; and that the tract of land, northward of said North-Granville, extending north to the East-Bay, bounded eastward on Fairhaven, and westward on Skeensborough, be and is hereby incorporated into a township, by the name of Eastborough. And that each of said

townships be and are hereby vested with the same privileges and immunities as other towns within this State do of right exercise and enjoy.

"AND BE IT ENACTED, that the townships of Little-Hosack, Hosack, Cambridge, Scarticook, and Saratoga-East, being that part of said territory which formerly belonged to Albany county, be and are hereby annexed to the county of Bennington; and that all the remaining part of the aforesaid townships, be and are hereby annexed to the county of Rutland."

At the same session the inhabitants of each of the towns in the West union were by an act of the Assembly authorized and empowered to hold town meetings in their respective towns in July of the same year at such places as usual, or most convenient, and persons were named and appointed, by the act to warn such meetings in the respective towns, and provisions were made for taking the lists of the inhabitants and the rateable polls. These acts show how firmly fixed the minds of the members of the General Assembly were to maintain jurisdiction over the territory of the West union.

The General Assembly many times in matters of legislation exercised doubtful powers: such as prohibiting the trials of the title of land, the suspending or prohibiting actions from being instituted for the collection of debts, annulling and making void final judgements of courts and staying executions after the rights of parties had become fixed.

It is evident that the people as late as 1782,

had some misgivings as to the binding force of the constitution because it was not originally submitted to the people for ratification, as the General Assembly passed an act at its session held at Windsor in June 1782, (as they had done once before at its February session held at Bennington 1779) declaring the constitution to be a part of the law of the State. This act of June 1782, was as follows: viz.,

"To prevent disputes respecting the legal force of the constitution of this State, and to determine who are entitled to the general privileges of the constitution and laws;

"BE IT ENACTED &c. that the constitution of this State, as established by convention, held at Windsor, July and December, one thousand seven hundred and seventy-seven, subject to such alterations and additions as shall be made, agreeable to the forty-fourth section in the plan of government, shall be forever considered, held and maintained, as part of the laws of this State.

"AND BE IT FURTHER ENACTED, that all the people of the American States, within this State, whether they be inhabitants or not, shall enjoy the same justice and law as is general for this State, in all causes proper for the cognizance of the civil authority and courts of judicature in the same; and that without partiality or delay: and that no man's person shall be restrained or imprisoned, unless by authority of law."

At the same session the Assembly passed an act adopting the common and statute law of England as follows: viz.,

"Whereas, it is impossible, at once, to provide particular statutes adapted to all cases wherein law may be necessary for the happy government of this people.

"And whereas, the inhabitants of this State have been habituated to conform their manners to the English laws, and hold their estates by English tenures.

"BE IT ENACTED, &c. that so much of the common law of England, as is not repugnant to the constitution or to any act of the legislature of this State, be, and is hereby adopted, and shall be, and continue to be, law within this State.

"And whereas, the statue law of England is so connected and interwoven with the common law, that our jurisprudence would be incomplete without it; therefore,

"BE IT FURTHER ENACTED, that such statue laws and parts of laws of the kingdom of England, as were passed before the first day of October, Anno Domini one thousand seven hundred and sixty, for the alteration and explanation of the common law, and which are not repugnant to the constitution, or some act of the legislature, and are applicable to the circumstances of the State, are hereby adopted and made, and shall be and continue to be, law within this State, and all courts are to take notice thereof, and govern themselves accordingly."

The people were very watchful against any and all attempt made for the alteration or subversion of the Vermont frame of government, or the betraying the same into the hands of the neighbor-

ing States, as appears from the following section of a statue passed at the last mentioned session, viz.:

"That if any person or persons shall conspire, or attempt, any invasion, insurrection, or public rebellion, against this State; or shall treacherously, and perfidiously attempt the alteration, or subversion of our frame of government, fundamentally established by the constitution of this State, by endeavouring the betraying of the same into the hands of any of the neighboring states, or any other power, and be thereof convicted before the superior court, shall suffer banishment, or imprisonment, at the discretion of said court; and the goods, chattels and estates of such offenders, shall be seized, condemned, and sold, as forfeit to the use of this State." And it was provided that if any person so banished neglected to depart when ordered, or should return to the State without first obtaining liberty from the General Assembly, and should be convicted, they should suffer death.

The people of Vermont believed in extending equal rights to the inhabitants of different States. The Legislature of the State of New York enacted a law that no person or persons belonging to the State of Vermont should be permitted to commence any suit or action at law in New York, unless they should acknowledge the jurisdiction of New York and took the oath of allegiance to the same. The Vermont law making power retaliated by enacting, in substance, that no inhabitant of New York or person residing therein, should

commence any suit within the jurisdiction of this State against any inhabitant thereof for any civil matter until New York should allow the inhabitants of this State full liberty to commence suits in New York.

The first medical society in Vermont was established under an act passed at the October session of the Assembly held at Rutland in 1784. Jonas Fay and sixteen other physicians and surgeons in Bennington and Rutland Counties were incorporated and constituted a body corporate and politic in law, by the name of THE FIRST MEDICAL SOCIETY IN VERMONT.

At the June session of the Assembly of 1785, held at Norwich, there were granted twenty-three thousand acres to the trustees of Dartmouth College, and the President of Moor's Charity School, and to their successors within this State; and the Governor and Council were requested to issue a charter of incorporation for the same, when surveyed, to the trustees of Dartmouth College and the President of Moor's Charity School and to their successors, to be to and for the use and benefit of said College and School forever. In pursuance of this act a charter was issued by the Governor dated the 14th of June, 1785, for a tract of land six miles square, by the name of Wheelock.

On October 1781, the General Assembly chose a committee of three to burn the bills of credit of the State. Timothy Brown, John Fassett, Jr., and Matthew Lyon were such committee who gave bonds to the State for the faithful performance of their duty. The bills destroyed were those redeemed by reception in payment for taxes.

There was a custom in the early history of Vermont to appoint a committee to present and arrange business for the session of the General Assembly. This practice is a good one as it would save much time of the Assembly in getting ready for the consideration of proper and necessary measures of legislation; it would save the State from enacting so many crude and ill-judged measures that result in litigation, and in the end repealed. The committee appointed to arrange business for the session to be held in February 1782, brought in a report on the order of business which was in substance to call upon His Excellency, the Governor and his Council, for all official papers relating to the interest of the State received since the then last session; to call upon the several commissioners appointed on different matters at the previous session to report; to call upon the committee for revising the laws; to adopt proper measures for the defence of the State against the common enemy; to call upon the surveyor-general to lay before the House a survey of the State, as far as he has obtained it, as also a plan of all the townships granted and the vacant lands ungranted; to call upon the treasurer to give an account of what paper money has been received into the treasury since the then October previous and how it has been disposed of; to lay before the Continental Congress in a decent and spirited manner our determination to support our just rights, and repeat our desire to be admitted into the Federal Union; that a proper check be put upon the treasurer to enable the auditor to adjust

his accounts; to make provision for the payment of the soldiers in the State's service in the then last campaign; to take into consideration the paper currency, and to take proper measures to regulate the press. This last item had no reference to the restraint on the liberty of the press, but to revive the then suspended newspaper at Westminster, or to establish one at Bennington. There were two, soon after established, one at Bennington and one at Windsor. The one at Windsor was called the "Vermont Journal and Universal Advertiser," and the one at Bennington the "Vermont Gazette or Freeman's Depository."

On February 27th, 1782, a law was passed to compel the more punctual attendance of the members of the Assembly. The act imposed a fine of one pound and ten shillings for each day of absence without excuse, the daily roll of the clerk being conclusive evidence.

On June 21, 1782, an act was passed providing a punishment for the assembling of six or more persons "with weapons of terror" to hinder the execution of the laws; or against any person or persons who should "conspire, or attempt any invasion, insurrection or rebellion against the State. The third section of the act provided "that if any person banished under this act should refuse to depart, or after departure should return without leave and be convicted thereof," he should suffer death. Attested copies of the act were sent immediately to the towns of Brattleboro, Halifax, Guilford and Marlboro.

On October 21, 1783, the Governor and Coun-

cil received a bill from the General Assembly to the effect that a bill be enacted into a law, to prevent the return of inimical persons to the State. At this time there was a stipulation in the Provisional Treaty of Peace that Congress recommended to the several States to pass acts permitting those who had gone from them to return, but Congress had not moved in the matter: therefore, the Council resolved in substance, that for this State, considering the situation, to lead the United States in these matters "appears premature," and that the Council were of the opinion that no act be passed at that session respecting inimical persons, and requested the Governor to omit giving any persons within the enemy's lines, who have been deemed enemies to this and the United States a permit to return until the further order of the House.

It was resolved in Council on October 24, 1783, that Ira Allen, Esq., Surveyor General, be empowered and directed to dispose of a township of land granted to Maj. Timothy Woodbridge and associates, by the legislature, in October 1781,—that the avails be applied to the use of purchasing stores for the purpose of surveying town lines; and that Allen be empowered to hire money for the same purpose and to dispose of thirty-five rights of land in the town of Carthage (now Jay) for the same purpose. By the authority of these and other resolutions, Allen took the township of Woodbridge for himself, out of which a controversy arose that resulted in the defeat of Governor Chittenden for governor in 1789. Some attrib-

uted private and sinster motives to Chittenden in allowing the township of Woodbridge to be granted to Ira Allen. The movement for the defeat of Chittenden originated in the Assembly in 1788, and was designed to destroy the confidence of the people in Ira Allen and Governor Chittenden. The Council endeavored in vain to check the House. The facts were that on October 26, 1781, a township of unappropriated land was granted to Maj. Theodore Woodbridge, and that the Governor and Council made out a charter for the township named Woodbridge, but it was forfeited for non-payment of the amount due for the grant, and the Governor and Council empowered and directed Ira Allen as Surveyor General to dispose of the township that had been granted to Maj. Woodbridge. The State became indebted to Allen for cutting roads and surveying town lines, and the Council gave him the right to dispose of said township and other lands to reimburse himself. At the election in September 1786, Allen was defeated as State Treasurer, and that so alarmed him that he called upon Governor Chittenden to deliver him the charter of Woodbridge, which he did; and when arraigned for it in 1788, he defended the act. The committee of the House consisting of Stephen R. Bradley, Ebenezer Marvin and Phinehas Freeman, reported that Chittenden admitted, "that he did, without advice of Council, in October 1786 * * * make out and sign, in a private manner, to Ira Allen Esq. a charter which for aught he knows, covers some of the premises. That he did, at that time, take a large

bond of said Allen to indemnify him." And the committee reported that the reason that Chittenden gave for his act was his "fear that the State would wrong said Allen in his capacity as Surveyor General." The committee concluded their report as follows: viz., "His Excellency has violated the trust reposed in him by the constitution, to keep the public seal of the State SACRED; and that he has converted it to PRIVATE, sinster views; and your committee submit to the House, what order should be taken—and that in the opinion of your committee said charter was fraudulent, and ought to be declared void by act of Legislature." After a long and anxious hearing of the Governor and others, the report was accepted. Jonathan Hunt, who was instrumental in exposing the Governor and Allen in the matter, asked for an annulment of Allen's charter, and a committee on the question was appointed, and reported. On the 24th a a bill for the annulment was agreed to and sent up to the Governor and Council for concurrence. There was a long contest, but the bill did not pass. The bill was sent out to the public in the printed journals and was industriously circulated and used in the next political canvass, and served to defeat Governor Chittenden in September 1789. After a full consideration of the matter the people became satisfied that there had been no fraudulent intent and no "private, sinster views" concerning the part the Governor took in the matter, but it defeated his election. At the succeeding election, and as long as Chittenden remained Governor, a majority of the suffrages of the people were readily given for his support.

On October 17, 1786, an act was passed "forbidding the sale of any negro, or subject of this State being sold into slavery." On March 7, 1787, a bill was passed against counterfeiting. The penaltics attached were as follows: viz.,

"Every person or persons so offending, being convicted thereof before the Supreme Court of this State, shall be punished by having his right ear cut off, and shall be branded with the capital letter C on a hot iron, and be committed to any gaol or house of correction, there to be confined and kept to work under the care of a master, and not to depart therefrom without special leave from the Assembly of this State, until the day of his, her or their death; under the penalty of being severely whipped by order of any Court or Justice, and thereupon to be returned to his former confinement and labour: and all the estate of any person offending as aforesaid, shall be forfeited to this State, and may be accordingly seized for that purpose, by order of the Court before whom such offender is convicted."

In an act regulating tavern keepers it was required that "the names of tavern haunters were to be posted at the door of every inn in town, and inn-keepers were prohibited from entertaining them or furnishing liquor to them."

On October 14, 1785, Nathaniel Chipman reported the following rules to and were adopted by the Assembly, relating to elections in joint Assembly and the privileges of the Governor and Council, viz:

"1st—That every member and Spectator be subject to the rules of the House.

"2d—That the doors of the House be open to all Spectators who behave themselves orderly, except the interest of the State require the same to be shut.

"3dly—That the officers of the House attend punctually at the times of adjournment on penalty of being reduced to private stations.

"4thly—That no member being absent at roll call take his seat without liberty from the House.

"5thly—Any member who is absent after roll call without leave of the House more than fifteen minutes at one time shall be subject to the like penalty—and if such member continue absent for one day or more shall be liable to be expelled from the House.

"6thly—That no member speak in the House without leave of the Speaker of the House.

"7thly—That no member speak more than twice on one subject without leave of the House.

"8thly—That no member make any nomination until such nomination be called for by the Speaker—And that the Speaker put every motion to vote which is seconded unless withdrawn or objected to.

"9thly—That no person who is not a member of this House (except the Governor and Council) shall speak in the House without first obtaining leave by [through] a member of the House."

In February 1783, a resolution was reported and agreed to that the "assistant judges after 1783, should take rank by the date of former commissions."

On February 25, 1783, the following preamble and resolutions were agreed to in the committee of the whole, consisting of the Governor, Council and General Assembly: viz.,

"Whereas it is represented that sundry false reports have been industriously circulated among the inhabitants of the Independent States of America, tending to excite Jealousies and distrust and thereby lessen their friendship and esteem toward the Citizens of this State,"

"Resolved, that the Citizens of this State have from their first forming government uniformly shewn in a public manner their attachment to the common cause and desire of being connected in a federal union with the United States as may appear by their resolutions and other public transactions.

"Resolved, that neither the Executive, or Legislative authority of this State have ever entered into any negotiation, truce or combination with the enemies of this and the United States, except that only of an exchange of Prisoners, and they are still determined, at the risque of their lives and fortunes to continue their opposition to any attempts made, or that may hereafter be made to infringe or abridge the rights to [or] the freedom and Independence of this and the United States; nor is there a disposition existing in this Committee, from their confidence in the good intentions of the United States, to afford their aid, to propose or consent to any terms of peace or otherwise derogatory to or inconsistent with the rights, Liberties, or independence of this or the United States of America."

On March 5, 1784, the General Assembly passed an act establishing post-offices at Bennington, Rutland, Brattleboro, Windsor and Newbury and regulated the manner of carrying the mails. And on the 9th day of March, 1787, the following law was enacted by the General Assembly: viz.,

"Whereas the business of promulgating the Laws, conveying timely notice to the Inhabitants of the State of all proprietary proceedings and other matters of importance to the Public can in no other way be effected so extensively and with so small expense as by the appointment of regular Posts for conveying the same to the different parts of this State.

"BE IT ENACTED by the General Assembly of the State of Vermont that there be five Post-offices established within this State, one in Bennington, one in Rutland, one in Brattleboro, one in Windsor and one in Newbury under such regulations as are established for the government of Post-offices in the United States.

"That the Post-Rider from Bennington to Brattleboro be allowed three pence per mile travel, and those on each of the other routs including a Post-rider from Bennington to Albany two pence per mile every time they respectively perform their routs, in hard money orders or hard money.

"AND BE IT FURTHER ENACTED by the authority aforesaid that the Postmaster General be and he hereby is impowered to employ a Post to ride from Rutland in the County of Rutland through the County of Addison upon such rout or routs

as he shall judge will best accommodate the Inhabitants of said County of Addison in promulgating the laws of the State &c., and such Post shall be allowed two pence per mile each fortnight for one half the circuit going one road and returning another, to be paid as aforesaid. And the said Postmaster General is authorized hereby to establish Post Offices in such towns in Addison County as he shall find necessary.

"AND BE IT FURTHER ENACTED by the authority aforesaid that the several Postmasters be directed to keep a regular account of all profits and emoluments arising from the office and exhibit the same to his Excellency the Governor and the Honorable the Council of this State when requested. And that until the further order of the Legislature the Post-riders from the several offices shall be entitled to an exclusive right of carriage and enjoy the advantages of the fees arising from the carriage of letters and Packets of every kind, and that the rate of Postage be the same as in the United States.

"AND BE IT FURTHER ENACTED by the authority aforesaid that no person presume to ride on any of the routs of such established posts for the purpose of carrying letters, packets, or other matters particularly within the province of such established Posts to carry on penalty of paying the sum of ten pounds to and for the use of any Postmaster who shall prosecute the same to effect for every such offence.

"AND BE IT FURTHER ENACTED by the authority aforesaid that his Excellency the Governor and

such other persons as the Legislature shall in future authorise, shall have authority to frank any letters or packet, for which letter or packet no postage shall be demanded."

After the treaty of peace between the United States and Great Britain there was some controversy arose as to what government had jurisdiction over the place then called Dutchman's Point which was on North Hero, half a mile south of Alburgh. At this Point and also at Point Au Fer in New York, two and one half miles from Alburgh, the Brirish troops remained for several years, and as late as October 16th, 1792, they arrested Benjamin Marvin of Alburgh for officiating as a Vermont magistrate on what they elaimed as British territory. In the Vermont Council April 12, 1784, it was "resolved, that his Excellency the Governor be requested to call on Colonel Ebenezer Allen to take possession of a place called Dutchman's Point as soon as the same shall be evacuated by the British troops. And also that the Governor write to General Haldimand on the subject. The action of General Haldimand at that time was peculiar and was a subject of much comment. All commercial interests for the time being were prohibited for reason unknown to any but himself at that time. No goods could pass on New York side without paying duty. A letter was sent from Canada to a gentleman in New York dated June 12, 1784, which read, "Our General Haldimand is one of the most curious old women you ever heard of. In consequence of a tale told him by a Captain Mure, who was in-

sulted in New York last fall, he has refused to deliver up Michilimackinac; has sent Gov. John Hay to re-command the district, and refuse passes to all who apply for them over the Lakes to Albany or York." And it was reported that "No person is allowed to pass from Canada into these States without a written permission, and all our Indian trade into that province is absolutely prohibited." In reference to the military movements mentioned in the letter from Halifax, it afterwards appeared that Great Britain persisted in holding and garrisoning the posts from Ogdensburg to Machilimackinac, on the ground that the United States had violated certain treaty stipulations on their part. John Jay, secretary for foreign affairs, in a letter to Congress, October 13, 1786, fully justified Great Britain for so doing; but on account of those military movements, Congress was alarmed by indications of Indian wars in both the north-western and south-western portions of the country.

Following the efforts to open a trade between the Province of Quebec and this State and to settle a treaty of amity and commerce with the powers of Europe, the following act was passed October 29, 1784, by the Assembly and concurred in by the Governor and Council, viz:

"Whereas, many advantages will arise to the citizens of this State, by extending commerce to the province of Quebec, and through that channel to Europe: Therefore,

"Be IT ENACTED, &c. that the Governor and Council be, and they are hereby authorized, and

empowered, to appoint one or more persons, not exceeding three, to repair to the province of Quebec, with full power to confer with any person, or persons, that may be authorized therefor, by any power with whom it shall be necessary to agree, concerning matters of trade and commerce; and to transact with such person, or persons, all such matters and business as shall be necessary to complete, on the part of this State, the opening a free trade into, and through, said province of Quebec."

Growing out of the effort to establish commercial relations of Vermont with Canada there was an attempt made, to make the Congress of the United States and the people believe that Vermont was secretly treating with Great Britain, and were in future to become her ally in controversies with the United States. It was supposed it was emissaries from New York who were stirring up feelings of jealousy between Vermont and the government of the United States. A letter dated at Halifax, October 30, 1786, on this subject is as follows, viz:

"The information I have given ought to be kept secret for my sake, and I communicate in the greatest confidence that it will not be divulged; but depend upon it, troops are pouring into Novascotia and Canada, from home, every day—the posts in the U. S. are daily fortifying—the garrisons are increased.—Commissoners from Vermont are, at this moment, in treaty with the British Commissioners at Montreal, to bring about an union with the old government: A storm is gath-

ering over your republics, more terrible than they have ever experienced; nay, the thunder is now on the point of breaking upon your heads.—God grant that you may get seasonable and authentic intelligence, that you may be prepared to resist the shock."

Another letter, published in the Vermont Gazette of November 20, 1785, is as follows, viz:

"It is currently reported, and the report gains credit, that secret emissaries from New York, and creatures corrupted by their influence, are secretly at work in every part of this State, fomenting uneasiness among the people, and promoting insurrections. The first essay is said to be to raise a jealousy respecting us in the United States, by industriously spreading reports that we are in secret treaty with Great Britain, and on any future emergency shall espouse her cause; and then, under specious pretenses, to raise cabals in this State, induce the unwary to join in their nefarious schemes, to rise in opposition to legal authority, and stop the course of justice. Arise ye freemen of Vermont! Defend your injured independencce! Let no insidious foe precipitate your ruin, by persuading you to raise the arm of desperation against your own life! liberty! and property!"

The situation and the determination of Vermont after the treaty of peace of 1783 is stated in Ira Allen's "History of Vermont" as follows, viz:

"On the news of peace in 1783, between Great Britain and the United States, finding that the territory of Vermont was included within the boundaries of the latter as relinquished by the

former, the Governor and Council appointed Colonel Ira Allen their Commissioner, to concert measures with the Legislative Council of Canada for opening a free commercial intercourse with that province; but the most essential part of his mission was to confer with the Commander in Chief, General Haldimand, with respect to the views of the British Government, as applied to Vermont in particular, and the United States in general. It is to be observed, that many propositions had passed between the agents of Great Britain and Vermont, respecting Vermont's being a colony under the crown of England; that by the preliminaries of peace Vermont was within the territory conceded to the United States as aforesaid; that she had dissolved her unions with them, a part of her consequence, and was not received into the confederacy of the United States. In this situation, completely independent, and not in alliance or connexion with any power on earth, she had cautiously avoided contracting much debt; therefore wisdom dictated moderation, that she might take advantage of whatever circumstances should arise from the new order of things; that considering the multiplied debts the United States has contracted, in the course of their struggles for independence; that their constitution had not sufficient energy to govern an extensive country in time of peace; consequently a new constitution would be necessary in the United States, the formation and ratification of which, the liquidation and settlement of the public accounts, providing ways and means for discharging the same, were

respectively arduous tasks; and the more so, when it was considered that the sense of danger from without gave rise to new discords within, and between the States a differance in political sentiments and interests might be difficult to reconcile. What influence British agents would have, or what their objects might be, in the United States under these circumstances, was also a question. Under these impressions, the Governor and Council of Vermont instructed Colonel Ira Allen, at different times, to repair to Quebec, to confer with Governor Haldimand, his successor, &c., on the preceding matters, and to advise for the best good of Vermont; the result of which was, that it was adviseable for Vermont to consolidate the interest of her citizens, on one common principle, and admit of no titles to lands, but those derived from New Hampshire, their subsequent confirmations, on the same grounds, from New York, that were in some instances made near Connecticut River, and the Grants made by Vermont; and to form no connexions with the United States for the time being, or until the United States should establish a more permanent constitution, liquidate and provide ways and means for the discharge of their debts. This policy being adopted by certain persons in Vermont, was steadily pursued by them."

Before Vermont was admitted into the Union, the State manifested an interest in favor of a ship canal between Lake Champlain and St. Lawrence River, and to that end Ira Allen entered into negotiations in Canada in 1784—5, as appears from

the following extract from Ira Allen's History, viz:

"Lake Champlain is a noble chart [sheet,] and so deep that ships of war have sailed in it. It is sprinkled with many beautiful, fertile and well inhabited isles, but it is to be lamented that the wealth of its waves should be merely confined to the fisherman, when they might be converted to the noblest purposes of trade and useful navigation, for the mutual benefit of millions, by a navigable cut to the river St. Lawrence.

"In consequence of an application made by Ira Allen, Esq; of this State, to General Haldimand, Governor of Canada, in 1784 and 1785, the General thought so highly of the proposition, that he appointed Captain Twist, the engineer of that province, to make a survey and estimate the expence of a canal from the river St. Lawrence to Lake Champlain, which was executed in 1785. The Captain began his survey at the rapids of St. John's and carried it on along the side of the river Sorel to Chamblee, &c. The estimate of the expence of this cut, sufficient to bear vessels of two hundred tons burthen, was calculated at £27,000. The canal which I now [1798] propose is to extend from St. Therese to the river St. Lawrence, as laid down in the map annexed to this book, [Allen's History, London edition of 1798] the expense may exceed the preceding estimate; but the excess will be amply compensated as the difficulties of a narrow winding river, upwards of thirty miles, would be avoided. It may be necessary to make several surveys to ascertain the best, as the

country is level, and the soil marly. The waters of Lake Champlain are higher than the river St. Lawrence, which demonstrates the probability of the measure. It is impossible to calculate the advantages of this undertaking in a commercial point of view; such an undertaking would promote agriculture, population, arts, manufactures, handicrafts, and all the business of a civilized state, regulated by wise laws, sound policy, a deep sense of religious duty and morality."

Of course all negotiations between the State and foreign powers ceased when she became one of the States of the American Union.

CHAPTER XI.

BOARD OF WAR.

The first record of the appointment of a Board of War was the record of the doing of the adjourned session of the Convention held at Dorset in western Vermont on September 27, 1776. It was then voted that Mr. Simeon Hathaway, Dr. Jonas Fay, Nathan Clark, Esquire, Lieut. Joseph Bradley, Lieut. Martin Powell, Mr. Cephas Kent, Capt. Joseph Bowker, Capt. Joseph Woodward and Nehemiah Howe be a committee of war for northern Vermont. And by a vote of the Convention taken at the same time the Board was empowered to issue their warrant, to the field officers of the militia on the district of the New Hampshire Grants on sufficient notice from the Commander-in-Chief of the armies of the United States of America, or Congress, or on any sudden emergency that shall be adjudged by said committee of war to be for the immediate safety of the Grants, commanding them to march immediately to the relief of such part of the continent as required to, and if any person refused to obey without sufficient excuse they were subject to fine. And the committee of war had full power to hear any complaint against any field officer for neglect of their duty and to proceed against them and collect by warrant or execution fines imposed.

On January 15, 1777, the General Convention voted that Major Thomas Chandler, Mr. Stephen Tilden, Mr. Ebenezer Hoisington, Mr. Joshua Webb, Lieut. Dennis Lockland, Mr. Jonathan Bigelow, Col. Thomas Johnson, Mr. Elijah Gates and Nichols White be a committee of war to act in conjunction with the committee of war already chosen. This committee was for the east side of the mountain. At the same time the Convention recommended to each town in Cumberland and Gloucester Counties to choose new committees of safety where the towns were disaffected with the existing committees. The design of this move evidently was to supersede the committees of Tory proclivities.

Members of the Board of War were appointed from time to time whenever changes or additions were necessary, and to a large extent were taken from the Committee of Safety and Councilors. For a short time the Governor and Council were the Board of War, and on March 11, 1779, commenced their action as such under the resolution of the General Assembly of February 25, 1779. The Board of War as thus constituted were His Excellency, Thomas Chittenden, Joseph Bowker, Timothy Brownson, Joseph Fay, Moses Robinson and Ira Allen and they made choice of Mathew Lyon as their secretary, and their first meeting was at the house of His Excellency. Their work was various; ordering the calling forth the militia for the defense of the inhabitants; establishing the line of defense; ordering the building of forts; giving timely warning to the settlers of approaching

danger; recommending families to move within the line of defense, and that the men remain on their farms but work in collective bodies with their arms.

The General Assembly on June 2, 1779, by resolution approved of the method that had been taken by the Board of War for the defense of the frontier, and recommended that they attend to the defence of the frontier, and also passed a resolve "that his Excellency, the Governor, and any four members of the Council, be and they are hereby invested with all the powers that have been hitherto given to be made use of by the Court of Confiscation." It appears when the Board of War met at Manchester on October 27, 1779, Samuel Robinson, Esquire, and Maj. Benjamin Wait, Ebenezer Allen and Samuel Fletcher, Esquire, had been added to the Board and met with the Board on that occasion. On April 6, 1780, the Board of War accepted of a report of their committee recommending the building of forts at Pittsford and Hubbardton, and the Board voted that there be built near the north line of Pittsford a piquit fort with proper flankers, with barracks sufficient for 150 men inclosed, and another at Hubbardton sufficient for 75 men.

At Arlington May 11, 1780, the Board of War, on learning that troops on the frontier had not been furnished provisions by the Continental authorities, and the troops were nearly out of meat, and would be obliged to quit their posts if provisions were not furnished them, the selectmen of the respective towns were directed to collect thirty

pounds of pork, for each man, in the town in which the men were raised; and the same be forwarded to the house of Col. Mead at Rutland immediately; and if it could not be collected without, they were to take the pork from the inhabitants, "in proportion to what they have and their families." The selectmen were to keep an account of the pork taken and the expense of transportation which was to be paid for by the State. There was a quick response to this order. The following is the report made by Sandgate, viz:

"SANDGATE, March 6th, A. D. 1781.

We raised our Cate of Pork according to orders and sent it to headquarters, being sixty weight of Pork. This we attest.

TIMOTHY HURD, } Select-
REUBEN THOMAS. } men."

Bennington's proportion was 720 pounds as there were 24 men raised in that town. The Board met again on June 12, 1780, and Jonathan Fassett was then one of their number. At that session the Board voted to raise one company of men to join Maj. Ebenezer Allen's command for the defense of the frontiers of the State, their pay to commence six days before they marched. It was also voted that "the members of the Board do hereby engage to use their influence that said company have one township of land granted them (in equal shares) towards their bounty and wages at the session of Assembly in October next as cheap as any of such quantity shall be then granted." Soldiers were raised from time to time

as the exigency of the defence of the frontier demanded.

At a meeting of the Board of War August 21, 1780, the Board resolved that the Commissary of Issues, at every post where cattle are killed for the use of the army, take charge of the hides and tallow, to see that the former are properly dried and that the latter is properly rendered and that they are disposed of as his Excellency the Governor shall direct from time to time. On November 29, 1780, Stephen Pearl, Esq., had become a member of the Board of War. On January 20, 1781 the Board "resolved that the equipment of non-commissioned officers and soldiers (exclusive of his blankets and clothing) shall be as follows, viz: 1 good musket, 1 good bayonet or tamahawk, 1 good knapsack, 1 powder horn, 1 bullet pouch and a sufficient trump line or sling for packs."

The Board of War were watchful and ever on their guard against the enemy. On February 19, 1781, it "resolved that Lieut. Beriah Green be and he is hereby directed to take a scout of fifteen men with ten days provisions and proceed in the most likely place to make discovery of the enemy, to the lake, by the way of Onion River, unless the enemy prevent his proceding so far, and make return of his discovery to Major Wait." They prepared for winter campaigns as well as in the more favorable parts of the year. They resolved on February 22, 1781, that the Commissary of Purchases be requested to furnish fifty pairs of snow shoes for Major Wait's detachment without loss of time, and

that each man furnish himself with a good pair of snow shoes and be paid for the same on their returning them into the State store. The Board of War required very prompt action. Captain Jesse Sawyer was notified of his appointment as Captain in the Regiment of Rangers ordered to be raised, and he was required to give notice of his acceptance of the office "in half an hour or it will be taken in the negative." On April 13, 1781, Timothy Bedel and Capt. Ebenezer Brewster were chosen as members the Board of War, and it appears that John Fassett, Jr., Joseph Tyler, Thomas Murdock and Benjamin Emmons had been added as members. On October 15, 1781, the Board of War appeared to have been revised as at that time the Governor and Council in conjunction with the House proceeded to elect the Board of War and Timothy Brownson, Benjamin Emmons, Ira Allen, Roger Enos, Joseph Caldwill, Israel Wyman, Thomas Murdock, John Fassett and Joseph Bowker, Esquires, were chosen. The General Assembly on February 18, 1783, elected the following seven persons as a Board of War, viz: Brigadier General Roger Enos, Colonel John Strong, Brigadier General Samuel Spofford, Colonel Elijah Robinson, Colonel Timothy Brownson, Colonel Benjamin Wait and Colonel Moses Robinson were elected. Probably there is no record of the major part of the doings of the Board. It is quite probable there were other persons not named above who were members of the Board of War during the time it had an existence. It is evident that the Board was an important arm of the government of Ver-

mont during the stirrrng events in Vermont's controversy with New York, and during the Revolutionary War—times that tried men's sonls.

CHAPTER XII.

THE EARLY SETTLERS OF VERMONT AND THEIR HOMES.

It has been the endeavor of the writer in what has been written to give a pretty full political history of the early days of Vermont, and of struggles and trials of the brave Green Mountain Boys and the privations of the pioneers of the State that they had to endure in order to protect the people and to establish a State government. While public duties were important and pressing there was the dangerous work of establishing homes in a dense wilderness. A greater part of the pioneers in Vermont came from the four other New England jurisdictions which at first were colonies of Great Britain. They gathered together what few things they possessed and loaded them into the wagon or cart and journed into a newly granted township, and perhaps made a small payment towards a lot of land selected for their home in the wilds of Vermont. It is not easy to imagine the true state of affairs that the husband and his wife and a family of small children were compelled to face. On their arrival at their new home, with no house or barn, or if one, it was small and of the most primitive kind, with but a small amount of provisions, no neighbors and no school or church privileges, and surrounded by both wild beasts and savages.

They commenced life by building a small log house and barn covered with poles, bark and boughs, (for there were no saw mills with which to manufacture lumber to make houses of modern style) and clear a small piece of ground on which to raise, for the first year, a few potatoes and vegetables, and perhaps a small patch of Indian corn. Before the first year is at an end the small stock of provisions that they have brought with them or was enabled to raise, would be exhausted. For the few first years the family would have a hard struggle to live, even if they escaped sickness and eked out the year's living by the use of wild meat and berries. If the family persevered a few years their prospects would begin to brighten. In a few years by dint of hard labor and many privations their lot of land would become a farm on which they could keep a stock of cattle, sheep, horses, hogs and poultry. In a few years after the State began to be settled, saw mills and grist mills, of quite limited capacity, were built in several parts of the State. But for many years lumber had to be hauled a long distance and people were compelled to carry their grain to be ground for family use twenty miles or more. Emigrants from other States came in from time to time, and the townships began to be settled, and settlers began to be neighbors and saw the necessity of schools to educate their children, and then the community would build a little log school house and obtain a teacher to teach their children to read, write and cipher.

The common school was always a favorite

with the people of Vermont. They did not imbibe the sentiments of Governor Berkeley of Virginia. He hated the common school and wrote in 1665: "I thank God there are no free schools nor printing in Virginia, and I hope we shall not have them these hundred years." At an early day, every town, as it became settled, was divided into school districts, the people of which elected their committee, treasurer and collector, and the school, in whole or in part, was supported on the grand list. The teacher was required to board round in the families that had children to send to school. And each family was required to board the teacher in proportion to the number of children they sent to school would bear to the whole number of scholars attending the school. This sometimes would come hard on a poor family that numbered ten or twelve children as was quite common in those days. But there was one recompense, the children would have the assistance of the teacher during the evenings at home. Every school district had a school house, and often times built of logs, with a row of pine desks on three sides of it, behind which the adult scholars sat, with low benches in front for the children.

The school master was about the house, ferule in hand, a despot as well as instructer; feruleing and whipping were common for disobedience of orders, and if a scholar received a whipping at school, he was quite likely to receive another at home if the disobedience and punishment at the school came to the knowledge of the parents. This was the rigid New England way of bringing

up children and enforcing obedience to orders. Children and stalwart young men and fair maidens merging toward womanhood, all attended the common district school, for it was not regarded commendable not to be able to read, spell and cipher. The older part of the inhabitants of the present time well remember the manner of conducting the schools in Vermont. The classes in both reading and spelling took their places on the floor in a straight line, and at the word "attention" given by the master the boys would bow and the girls would make their courtesy. In the spelling class, if one should "miss" a word the one that spelled the word correctly standing below took his place above the one who mis-spelled the word. It was an honor to stand at the head of the class, and a disgrace to remain at the foot. The rich and poor stood on a level; merit won. In those early days of Vermont the committee and the parents of the scholars visited the schools frequently to see for themselves the advancement their children were making in their studies and in deportment.

The spelling school was an interesting feature of the district school where a healthy competition, between the scholars attending the school and scholars of neighboring districts, was created. They were usually held in the evening, where the scholars of different districts in a town or vicinity would meet to contend for the victory. The master would select a boy and a girl to take their seats and "choose sides." They would alternately select from those present to take their seat

upon the side they were chosen for. The aim of the chosers would be to get as many of the best spellers as possible. The master would "put out the words" and the exercise in spelling would go on for a while, when all would be required to stand and the master would pronounce the words to each side alternately. The person who misspelled a word was to set down and this proceeding would continue until all were "spelled down." The last standing one was the victor. Entertainments consisting of dialogues, declamations and essays were of frequent occurrence at the school house. During the session of the school in the long winter evenings at home the scholars would sit in front of the mammoth fireplace studying and working out the problems in arithmetic by the light of the fire, for the lamps were then not in use, and even tallow candles were a scarce article. Sometimes a light would be procured by putting a rag or wick into a dish of melted fresh lard or tallow and lighting and burning one end of it that protruded above the grease in which it lay.

Many a young man appreciated even these meager opportunities for acquiring an education and made good use of their time, and became some of the first men of the State and Nation. As population increased in different parts of the State, and the times began to be more prosperous and business began to expand, and wider opportunities opened for the young men and women, higher and more advanced studies were brought into the schools and taught. It was soon provided by law that spelling, reading, writing, geog-

raphy, arithmetic and English grammar should be taught in the common schools; and this opened the door for still greater demands. Soon schools of a higher grade called the "Academy" were established in different parts of the State, where the young men and women could obtain a higher education and fit themselves to enter college. The Academies throughout the State were prosperous, useful and very popular for many years where young men fitted themselves for teachers, ministers, lawyers, legislators, governors and statesmen, and thereby not only honored their native State, but obtained a worthy name and great honor in other States of their adoption. Vermont has looked well for the educational interest of her children. Two prosperous colleges have been established within her borders—one at Burlington in 1791, and one at Middlebury later. Many of her sons, however, have been educated at Hanover, situated in New Hampshire but few miles from the eastern border of Vermont.

During the first forty years of the early settlements in Vermont money was hard to be got with which to buy the necessaries of life for the family—in fact the settler had but little to sell; potash was the principal article of exportation; he was trained in the school of adversity and was forced to be frugal and manufactured at home every thing that the family must have for their comfort. He raised his own flax, from which to obtain his necessary linen clothes; he raised his own sheep from which he obtained the wool from which to manufacture the necessary bed clothes

and wearing apparel for himself and family. The flax wheel, the spinning wheel, the quill wheel, swifts, and both the hand and wheel-reel and the loom were the necessary articles for the household and in constant use by the mother and her daughters. The flax was pulled and laid upon the ground, and dried, when the seed was removed by threshing, and spread in thin rows again upon the ground where it remained several weeks through rain and sunshine to make the outer fiber brittle and fit it for breaking and swingling—a process of separating the woody part of the stock from the finer part. Then again the coarser part of the flax was separated from the finer by drawing the flax through a hatchel. The coarser part of the flax was called tow, and was made into rolls by hand cards, to be spun and wove into coarse cloth from which towels, pantaloons and other useful articles were made.

It was an interesting sight to go into a household where the mother and her four or five daughters were industriously at work, one making the cheese or butter, one doing up the house work, one spinning the rolls that had been made from the wool, another using the hand cards making rolls from tow, while another would be weaving. It was not infrequently that the daughters were assisting in milking the cows, feeding the poultry and weeding in the garden while the father and sons were doing the heavier work upon the farm.

It took considerable skill to handle the spinning wheel and to work the loom to advantage.

This kind of work was hard and made the days seem long and wearisome. It required the turning the wheel with one hand and holding the thread and drawing it out with the other, and then running it back upon the spindle; then the yarn was reeled into skeins, dyed and washed and put upon the warping bars and into the looms; then each thread of the warp must be drawn through the "harness" and through the reed; the weaver would sit in front of the loom with her feet upon the treddles and her hands upon the lathe; the working of the treddles would open the warp so that the shuttle, containing the thread or yarn wound upon a quill, would be thrown backward and forward, beating the threads together by the lathe, making a firm cloth—making all wool cloth for gowns and men's garments; weaving linen for sheets, pillow-cases, towels, napkins, stand cloths, table cloths and underwear of tow and wool. Carpets were woven, the filling of which were made from long strips of rags sewed together. Some women would "take in weaving" as it was called—and weave many hundred yards for their neighbors and made considerable money by so doing.

Knitting for the use of the family and knitting articles for sale or that might be exchanged for groceries for the house was always in order; and this work was resorted to while visiting. There were no idle hours. Straw and palm-leaf hats and bonnets were manufactured, by hand by the mother and daughters, for sale at the country stores. The reader must not think that this was all drudgery. It

was work the family had been trained to do and in which they delighted. The joyful song, the lively chat and the merry laugh would accompany the work. They knew the possession of a new calico dress, apron or shawl depended upon their industry. At the commencement of early winter a shoemaker was hired to come into the family with his bench and shoemaking tools to make the necessary shoes and boots for the family. The sons of the family would regard themselves well dressed and well provided for with their pantaloons, vest and frock, made from the wool, raised from the sheep kept on the farm, spun, wove, cut and made up by the mother and daughters and a cap or hat made by their hand, with boots, fitted and made by their shoemaker, all at home. The average man in those days had no money with which to purchase broad-cloth, silk hats and finery. Luxuries were few. Work was a duty; life was a tremendous reality and there was but little time for play.

As time went on and population increased, the lands began to be cleared, roads improved and neighbors were nearer each other, the practices of civilized and social life were multiplied, and framed houses substituted for log houses. The rooms in the new house would be the spare or "square room," a large living kitchen, a bed room and the back room below and an open chamber above used for the children for a sleeping apartment. One large chimney in the center of the house built from the ground with a mammoth fire places in the square room and kitchen, with a

large brick oven at the side of the chimney and connected with it, the mouth of which opened into the kitchen, and in which all the bread, pies, puddings and beans were baked. Once a week this oven would be heated by burning wood in it until the brick of which it was made were hot; then it would be cleared and filled with the articles to be baked, where they would remain till ready for the table.

The kitchen was a great institution. In the fire-place was fastened a long iron crane that could be swung out, and on which pots and kettles were hung that were used for cooking. The fire place was large enough so that a large "back log" would be placed on a pair of andirons with a fore stick, with smaller wood piled thereon. When this fuel got well afire the whole room would be well lighted. Potatoes were baked in the hot ashes and embers and the children would parch their corn therein. By such fires the family would sit during the long winter evenings, peel and eat the beech nuts they had gathered during the fall, eat apples and drink cider, of which they would have an abundance; before these fires the children would do their reading and study their school lessons for the coming day. In this large room was seen the long family table, a cupboard for the dishes, the large wooden clock fastened up in the corner, spinning wheel and loom, with chairs and benches sufficient to accommodate the family.

Sugar for the family use was made from the maple tree. In early spring the farmers bored

holes in the trees in which they drove spouts through which the sap ran and was caught in troughs dug out from blocks of wood, and wooden buckets. The sap was boiled in large and small iron kettles that were hung upon poles. The writer has seen as many as eight five pail kettles hung in double rows, side by side, in which the sap was boiled. The sap would be boiled till it became thick like molasses—this was called "syruping off." When a large quantity of syrup had accumulated, a day would be set for "sugaring off," when friends and neighbors were invited in to the sugar orchard to eat sugar, when all would have a merry good time.

Usually the merry gatherings of the young people were mingled with the necessary labor connected with the farm, or household duties. At harvesting-time the corn in large quantities would be gathered into the barns and sheds. Then a large party of young men and maidens, invited to the "husking-bee," would take their seats on milking stools and benches, improvised for the occasion, around the unhusked piles of corn, and strip the husk from the ear for two or three hours. After which a grand supper of baked beans, doughnuts, pumpkin pies, apples and cider would be furnished for the entire company, who would partake of it with much gaiety and mirth. The "paring-bee" was another gathering where work and pleasure were combined. A large company of young people would be invited to meet at a farm house to pare, quarter, core and string apples for drying. A large quantity of apples would be worked up in

an evening. The work done, refreshments would be served to the company, and then the floor would be cleared for a country dance that would be kept up into the small hours of the night.

In the early days of Vermont, the only two days of the year that were much regarded as holidays were the fourth of July, the day of the month on which the national Declaration of Independence was signed and published to the world, and Thanksgiving Day, appointed by the Governor.

The Fourth of July, yearly, if it did not happen to be on Sunday, was ushered in by the firing of guns and the ringing of bells. Some eloquent speaker, chosen beforehand, would appear before a large concourse of people gathered from many miles around for a celebration, with a prepared speech which he would deliver, giving a glowing account of what Washington, Adams and Jefferson and the brave soldiers of the Revolution accomplished. A long and a well loaded table would be spread to satisfy the hunger of all present; punch, egg-nog and rum would be their favorite drinks. The day would be thoroughly enjoyed by all, men, women and children.

"Thanksgiving" was appointed by the Governor of the State for a Thursday in the last days of November. At this time harvesting was past, the barns were filled with grain and hay, the cellars filled with potatoes, vegetables, apples and cider, the corn husked and placed in the crib or granary, the house banked and everything ready for winter, and the children ready for winter school as soon as Thanksgiving was over. The

original purpose of the appointment of such a day was to have it observed as a day to thank the Giver of all things for the bountiful harvest and the blessings of life that had come to the people during the year; and it was the unfailing custom for the people in accordance with the request of the Governor in his proclamation, to assemble in the forenoon in the accustomed place of worship and hear a Thanksgiving sermon preached by the minister of the parish. But that which was most prized and thoroughly enjoyed by all, both old and young, was the "Thanksgiving dinner." The days just previous to Thanksgiving were days of preparation. Turkeys and chickens were killed; there was the chopping of meat and apples for mince pies. The chicken pie was the favorite dish; puddings, cakes, tarts and sauces were furnished in great variety to tempt and satisfy the appetite, and drinks of various kinds to quench the thirst. Children and grandchildren (and they were numerous in those days) came to the old home to eat dinner with parents, grandfather and grandmother. Dinner finished—the old folks talked of former days, the great events that were transpiring in the world—the luck and prospects of each other came under discussion; while the children spent their time in playing games. The evening would be spent in eating pop-corn and apples and drinking cider.

Exercises suitable for a Christmas were but little thought of in those days. There was one day in the year when the men in the early days of Vermont assembled for an entirely different purpose—

that was "June training day." The object of which was to fit men for war and defend the rights of the State and their country.

CHAPTER XIII.

THE EARLY SETTLEMENTS AND TOWN-MEETINGS OF THE EARLY DAYS OF VERMONT.

The study of the early settlements, the rural towns and mountain villages and the forced frugal habits of the pioneers of Vermont is exceedingly interesting, and many of their ways and industrial habits are worthy of imitation. The inhabitants were in blood and tradition almost entirely English, and at the same time completely American so far as they represented political ideas that have obtained prominence and significance in the general work of civilization. There was but little of the feelings and ways of aristocracy in Vermont, and in fact through New England. The finer and poorer houses stood side by side along the streets of the villages, but were not crowded together in blocks as you would have found in the English villages, as there was abundance of land on which to build; each head of the family, as a rule, owned the house and the farm on which it was built. The relation of landlord and tenant was not commonly met with. Social distinction was almost unknown among them, and political privileges were open to all. Each large proprietor attended in person to the cultivation of his own land, assisted by his own sons or by neigh-

bors working for hire when his own estate did not require his labor. The necessary domestic service in the house was performed by the mother and the daughters,

In those days the poor who were unable to support themselves usually were provided for by the overseer of the poor in some family in the town, at the common charge. The people as a rule were honest; the danger from thieves was so slight that it was not regarded necessary to fasten the doors of the houses at night; the people were quite generally educated in the common branches, especially in spelling, reading, writing, arithmetic, geography and English grammar. Theological questions and doctrines of an orthodox nature occupied the attention of the people, the effect of which is still seen and felt among the people. The deep religious sentiment and the honest, energetic, brave and independent character of the Vermont men and women have gone out into all the States of the Union as the inhabitants of Vermont and their descendants have made their homes in the different States.

The early settlers of Vermont were to a large extent of a Puritan stock, somewhat narrow in their religious conceptions, but their honesty and sterling character were unquestioned. Their ancestors from whom the early settlers of Vermont derived these valuable characteristics, gave up pleasant homes in England to avoid persecution, and through many privations and hardships established their homes in the American wilderness, and this gives us a key to what is best in the history of the Vermont people.

As the people from the other New England States and to some extent from other States or Colonies gathered into grants of land or towns (usually about six miles square) the requirements of education and of public worship as well as of defense against Indian attacks led them to form small village communities. The 129 towns that were granted by Benning Wentworth, Governor of New Hampshire, to a large company of persons who became settlers of those townships and owners of the land; so, as the townships began to fill up with settlers each would have its own village. Sometimes two or more villages would grow up in the same township and the roads from one village to another and from one town to another became bordered with homesteads and cultivated fields.

The government of the township was vested in the town meeting which government is said to be peculiar to New England, but other countries had had local self-governing bodies. These meetings were termed "March meetings," as they were usually held in the month of March annually, when every male person of adult age within the limits of the township was privileged to be present and address the meeting and vote upon all measures that came up.

The most primitive self-governing body is said to be the village community of the ancient Teutons. John Fisk in his work on "American Political Ideas," says "In its Teutonic form the primitive village community (or rather the spot inhabited by it) is known as the Mark—that is, a place

defined by a boundary—line. One characteristic of the mark community is, that all its free members are in theory supposed to be related to each other through descent from a common progenitor; and in this respect the mark community agrees with the clan. The earliest form of political union in the world is one which rests, not upon territorial contiguity, but upon blood relationship, either real or assumed through the legal fiction of adoption. In the lowest savagery blood relationship is the only admissible or conceivable ground for sustained common action among groups of men. Among peoples which wander about, supporting themselves either by hunting or at a somewhat more advanced stage of development by the rearing of flocks and herds, a group of men, thus permanently associated through ties of blood relation is what we call a clan.

"When by the development of agricultural pursuits the nomadic mode of life is brought to an end, when the clan remains stationary upon some piece of territory, surrounded by a strip of forest-land, or other boundaries natural or artificial, then the clan becomes a mark community. * * * Territorially the old Teutonic mark consisted of three divisions. There was the village mark where the people lived in houses crowded closely together, no doubt for defensive purposes; there was the arable mark, divided into as many lots as there were householders; and there was the common mark, or border-strip of untilled land, wherein all the inhabitants of the village had common rights of pasturage and of cutting fire wood.

All this land originally was the property not of any one family or individual, but of the community. The study of the mark carries us back to a time when there may have been private property in weapons, utensils or trinkets, but not in real estate."

The pleasant green commons or squares which occur in the midst of many villages was due to the custom of holding land in common as in the mark-community. The origin of the common as found in modern towns is forgotten, but the common itself survives for the purpose of ornament or pleasure ground. In many old towns of New England, the little park now used as play ground, was once the common pasture of the town. It is said that Boston common did not cease to be a grazing-field until 1830. Fisk says, "In Russia and in Hindustan the same primitive form of social organization exist with very little change at the present day. Alike in Hindu and in Russian village-communities we find the group of habitations, each despotically ruled by a *pater-familias*."

As soon as the towns in the territory now called Vermont were granted from time to time and became organized by the election of town officers under its charter, the government of the respective towns became vested in the town meeting. And from the time that New Hampshire withdrew her claim and authority from all the territory west of Connecticut River in 1764, until the New Hampshire Grants declared the State to be free and independent in 1777, the government of the several towns was as purely democratic as

any that ever has been seen in the world. As the town governments became perfected they chose a board of selectmen who had a general oversight of the affairs of the town, a town clerk, a town treasurer, listers and assessors, overseers of the poor, constable, surveyors of highways, fence viewers and other officers. The town system in Vermont as well as in all New England at that early day was found in its completeness.

There was one important difference between the clan, tribe or mark and the township system of Vermont. In those primitive communities, we have seen, the bond which kept them together and constituted it a political unit was the bond of blood-ship relation. In the township system in Vermont and in all New England, people with no blood relation-ship, and of different nationality and strangers, freely became citizens of the town with equal right to participate in its political affairs. And in the larger political divisions such as cities and counties blood relationship among the people gave no special privileges.

The township system that prevailed in the New Hampshire Grants undoubtedly gave a great impetus to the prosperity of the settlements, and fostered emigration from the Colonies where that system did not exist. The fact that the inhabitants of the several townships could manage their own affairs, in their own way, stimulated a healthy growth in the several little republics and created a spirit of emulation between the inhabitants of each. But these fortunate results would not have continued a very long time if each township had

remained separate and acted independent of each other. As long as these separate organizations had a common interest to subserve and did actually act together for their common protection and defense, all would be well, but it was not probable that all would have acted in concert for a long term of years, after their common danger had passed unless there had been a common head and a controlling power that each community or town was bound to obey. To prevent the people from the different townships from waring upon one another there must be some authority to which each local organization could appeal for the determination and settlement of disputes that might arise between them. If there is no confederation between continuous small communities, as controversies arise, one community would be conquered by another, and in time a monarchial form of government would be adopted by the stronger over the whole—a centralized administration destructive to self-government. The several communities could establish a confederation and a central government where each division would be represented and preserve their local governments.

The history of the World shows an attempt to form a political organization of a large number of small independent communities so as to secure concerted action among men on a great scale, without the small local governments being represented, has been a failure. If you secure concerted action without representation from the local districts, it will be with the sacrifice of local independence. The only true mode of uniting a great

number of local governments so as to retain the local governing authority is by forming a confederacy under the representative system. When the State of Vermont was declared independent and a constitution was adopted and the State government put into operation, the several townships secured the right of representation in the State legislature, and each town had the right, and still have the right, to manage their own affairs independent of the action of other towns—independent as it well could be under a well constituted State government.

CHAPTER XIV.

THE NEW YORK VIEW OF THE CONTROVERSY BETWEEN THAT STATE AND NEW HAMPSHIRE.

It has been stated in this history that after Governor Wentworth had granted the town of Bennington and many other applications had been made for other grants, and not knowing how far west New Hampshire extended according to the King's commission given to him, desiring to avoid interfering with the government of New York, on November 17, 1749, addressed a letter to Governor Clinton asking him how many miles east of the Hudson River, northward of Massachusetts line New York extended. To which Governor Clinton replied that the New York Province was bounded east by Connecticut River, and basing his claim upon letters patent from King Charles the II to the Duke of York granting all lands from the west side of the Connecticut River to the east side of Delaware Bay.

On April 25, 1750, Governor Wentworth in reply to Governor Clinton's claim wrote him that New Hampshire had an equal right to claim as far west as the chartered governments of Connecticut and Massachusetts Bay. On June 6, 1750, Governor Clinton in answering Governor Wentworth's claim, said in substance that Connecti-

cut's claim was founded upon an agreement with New York in 1684, and afterwards confirmed by King William, and that the lines between those two States were run and boundaries marked in 1725; and that Massachusetts possessed themselves of the land by intrusion and continued their possession through the negligence of New York, and thought he should be obliged to send a representation of the matter to his Majesty. Then Governor Wentworth declared that he, too, should represent the matter to his Majesty.

Governor Clinton to strengthen his position and claim of New York sought to obtain the opinion and report on the matter from Richard Bradley, Attorney General of New York. He made an extended and elaborate report to Governor Clinton relating to the eastern boundary of New York. He claimed there was no weight in the argument that New Hampshire extended to within twenty miles of Hudson River because Connecticut and Massachusetts Bay did; because the western boundary of Connecticut was fixed by agreement with New York and confirmed by King William; that Massachusetts took possession of the land to within twenty miles of Hudson River without pretence of right; and claimed that the indefinite description of the bounds of Massachusetts Bay charter would limit the western boundary of that State to the eastern boundary of Connecticut. The western boundary in the Massachusetts charter was described as follows; "westward as far as our colonies of Rhode Island, Connecticut and the Narragansett Country."

The Attorney General contended that this description did not carry Massachusetts as far west as the western boundary of Connecticut; and if it could bear the construction contended for by Massachusetts, it also could bear the construction that Massachusetts only extended west to the eastern boundary of Connecticut; and if the construction was doubtful the construction should be taken in a way the most favorable to the Crown, and therefore all land taken possession of westerly of the east line of Connecticut was an intrusion. The attorney general also contended that after the Dutch Conquest in 1673, a grant that was made in 1663 to the Duke of York was confirmed to him, his heirs and assigns in 1674, included all the land between Connecticut and Hudson Rivers, but admits that afterwards the same lands fell back and became the lands of the Cown, and insists they were in the hands of the Crown at the time of the grant to Massachusetts in 1793, and that governors were appointed by the King for the province of York without giving any other or any bounds to that province.

This state of things would lead us to inquire that if the construction of the said Massachusetts charter was as favorable to fixing the western bounds of that province as far west as the western bounds of Connecticut as it was to limiting to the eastern bounds of the latter State, would not the forfeiture of the charter of the province of York leave the Massachusetts construction to prevail? This point the Attorney General did not argue. It appears that King James I

granted the lands in question to the Council of Devon established at Plymouth and to their successors and assigns, and that Council in the third year of the reign of King Charles I, granted to Sir Henry Roswell and others, their assigns and their associates forever, certain described land which was claimed to be the lands in question and was confirmed to them by King Charles I in the fourth year of his reign, and though that grant was vacated in the year 1684, in Chancery, yet, that they were seized of those lands by virtue of that grant at the time of the grant to the Duke of York; and therefore, the Duke of York could not take them by virtue of his grant, and they were, therefore, granted to the Grantees of the Council of Devon by the charter in 1693.

The Attorney General in reply to this, stated that there was a proviso in the patent or grant to the said Council of Devon that it should not include lands that were actually possessed or inhabited by any other Christian Prince or State. And then proceeds to argue that Henry Hudson discovered the country of York about 1608, and soon after sold it to the Dutch who called it New Netherland, and although it did not clearly appear how far their claim extended, it probably extended as far south as Delaware River and north-easterly as far as Connecticut River.

The Attorney General argued that it was not probable that the Duke of York made a grant of these lands in dispute that he must have known interfered with former grants made to the grantees of the Council of Devon. And the Attorney

General claimed that the disputed lands became vested in the Crown by the conquest made of them from the Dutch by the English under Sir Robert Carr in the year 1660, and surrendered to King Charles the II in 1673, and then granted to the Duke of York in the year 1674, and therefore the lands could not have been granted to the government of Massachusetts Bay so as to give a good title in 1693. If the Council of Devon had a good title from the Crown when the Duke of York took his grant, as the Council of Devon claimed, the right of the latter from whom Massachusetts claimed their title must have been superior. It was not claimed that the territory of western Massachusetts and the territory of what is now Vermont was in actual possession of the inhabitants within the grant to the Duke of York, so that if the possession of the Duke of York extended to Connecticut River, it was simply a constructive possession.

When this disputed territory became settled, it was settled by people from the New England States. The Attorney General admitted that "the abdication of the Crown by the Duke of York in the year 1688, the government of the Duke became vested in the Crown," and it is not claimed that the Crown had issued a new patent or grant of these lands after the Crown had become reinvested with these lands, before Massachusetts Bay had taken them under their grant in 1693. In view of all these facts the Attorney General jumped at the conclusion, "that the government of New Hampshire, which is to extend westward till it

meets with his Majesty's other governments and no farther, must terminate at that river," but admitted that matters "relating to the eastern bounds of the New York government is very imperfect."

Surveyor General Colden of New York on October 14, 1751, gave his observations on Mr. Bradley's report to a New York committee in which he said that the several tracts of land eastward of Hudson River for about twenty miles are held by the inhabitants of New York by grant from the governors thereof and paying yearly rents to the Crown, and no claim was made by him that grants were made by that government farther east; but said, "that if his Majesty asserts his right to the soil within his province of New York as far east as Connecticut River against the intrusion of Massachusetts Bay it would greatly increase his revenue."

On August 14, 1752, the Solicitor General said, "there are about 60,000 acres of land on the west side of Connecticut River which were purchased by private persons from the government of Connecticut, to whom that land had been laid out by the government of Massachusetts Bay as an equivalent of two or three townships which the Massachusetts Bay purchased from Connecticut government. This tract of land by the determination of the boundary line in 1738, is become a part of New Hampshire." This appears to be a distinct recognition of the fact that New Hampshire extended west of Connecticut River.

Governor Wentworth in his letter of March 23, 1750, to the Board of Trade, said "the Com-

missioners from the Crown have settled the boundary between New York and Connecticut at twenty miles east of Hudson River. The Massachusetts Bay have allowed the government of New York to extend their claim to twenty miles east of Hudson River and have carried on their settlements in conformity thereto;" and said, in his letter, "it will be necessary to inform your Lordships that the government of New York was founded on a grant made by the Crown to the Duke of York and that it was to commence at the sea and run sixty miles north into the country, which line will cross Hudson River about twenty miles south of the city of Albany."

In the report of his Majesty's Council of the province of New York and the Commissioners appointed to examine into the eastern boundaries of that province to the Lieutenant-Governor thereof, they said "Governor Wentworth is pleased to express himself thus: "presuming it will be his Majesty's pleasure that a north and south line should divide both Massachusetts and New Hampshire from the government of New York, on which we observe, that, had Governor Wentworth been informed, as we believe the truth is, that a north and south line from the north-west corner of Connecticut Colony would have crossed Hudson River some miles southward or below the city of Albany, and would leave that city and a great part of Hudson River to the eastward of that line, he could have no reason for advancing that presumption, and the rather, had he been informed, as the fact is, that the Dutch settled Albany by

the name of Fort Orange, and had a fort and garrison there about 140 years ago, and many years before the grant to the Council of Plymouth under which Massachusetts Bay had their first claim."

"Governor Wentworth is pleased to say, that I have extended the western boundary of New Hampshire as far west as the Massachusetts Bay have done theirs, that is within twenty miles of Hudson River, on which we beg leave to observe that his having done so, after being informed of the boundaries of this province by the Minute of Council of the 3d of April, 1750, before mentioned, and by the Minute of June 5th, 1750, that the Massachusetts settlements westward of those boundaries were made by intrusion, is very extraordinary; and we are further of opinion that the intrusions of Massachusetts Bay within this province could be no good reason for Governor Wentworth to commit the like." They concluded their report by advising that the whole matter be laid before the Lords Commissioners for Trade and Plantations.

On December 28, 1763, Lieutenant-Governor Colden, to counteract the action of Governor Wentworth in granting townships of land west of Connecticut River, and to prevent persons from purchasing land under said grants, issued his proclamation, setting forth the New York claim under letters patent and grant to the Duke of York, and commanding all judges, justices and other civil officers to continue to exercise jurisdiction in their respective functions as far as the banks of Connecticut River notwithstanding any contrariety of

jurisdiction claimed by the government of New Hampshire, and enjoined the High Sheriff of the County of Albany to return to him or the Commander-in-Chief the names of all persons who, under the grants of the government of New Hampshire, do or shall hold the possession of any lands west of Connecticut River, that they might be proceeded against according to law.

Lieutenant Governor Colden in his letter to the Board of Trade of January 20, 1764, represented in substance that both Governor Clinton and Governor Wentworth had agreed not to commence a dispute as to the rights of their respective governments, respecting the western boundary of New Hampshire, until his Majesty's pleasure should be known, and that each should make a representation of the matter to his Majesty, and the copy of their respective representations should be exchanged, and complained that Governor Wentworth had failed to make such exchange, and said that the government of New York confided that New Hampshire would not venture to make any further grants until his Majesty should be pleased to determine the limits between the two provinces, as such grants must interfere with those of New York and would be a nullity; and claimed that the government of New York was surprised to discover that New Hampshire had proceeded, notwithstanding the assurances of Governor Wentworth, to grant a large number of townships westward of Connecticut River.

And complained that the granting of such townships had, probably, been concealed from the

knowledge of the government of New York, but they incidentally had learned by the grantees or from persons employed by them, who had traveled through the New York Province and the neighboring Province of New Jersey, "publicly offering lands for sale at such low rates as evince the claimants had no intention of becoming settlers, either from inability, or conscious they could derive no title to the lands under the grants of New Hampshire;" and that therefore he issued the proclamation referred to above. And then again set forth the grounds of their claim to the lands to Connecticut River which have heretofore been given.

He argued that because "the government of New York first in 1664, and afterwards in 1683, yielded to Connecticut the lands westward, to the distance of 20 miles of Hudson River, and that Massachusetts Bay had taken and held possession to within 20 miles of that river by intrusion, could be no reason why New Hampshire should grant lands west of Connecticut River." And then said, "the lands in question lay more convenient to be included within New York than New Hampshire, Hudson River being navigable by vessels of considerable burthen to Albany, the trade of that part of the country will probably center there, to which place the transportation or carriage will be much easier than to the ports of New Hampshire, and where the inhabitants are likely to meet with a better market for their produce. The revenue to the Crown if the lands are settled under this Province, will be greater than if

granted under New Hampshire, in proportion of the difference of quit rent. * * * There is another circumstance of some weight at this juncture. The preference given to this government from its evident superiority, has induced a great number of reduced offiers to claim here the bounty his Majesty has been pleased by his proclamation of the 7th of October last, to extend to those who have served in North America during the late war, (English and French) and many have located their spots within the claim of New Hampsihre; indeed, if they had not, it would have been impossible for this government to have found lands enough for them, clear of dispute and not reserved to the Indians; but they absolutely decline any application to New Hampshire for lands westward of Connecticut River." And then insisted that if his Majesty should, on any consideration extend the limits of New Hampshire westward of Connecticut River, he presumed to hope the right of property and the right of jurisdiction will be saved to this Province in respect to all lands before granted by this government.

Lieutenant Governor Colden again in his letter to the Board of Trade of February 8, 1764, said "the Governor of New Hampshire, I am told, has lately granted 160 townships, of six miles square, on the west side of Connecticut River. A man in appearance no better than a peddler, has lately traveled through New Jersey and this Province, hawking and selling his pretended rights of 30 townships on trifling considerations. The whole proceedings of the government of New Hampshire,

in this case, if what is told me is true, are shameful and a discredit to the King's authority under which they act."

In reply to the proclamation and letters eminating from the New York authorities, Governor Wentworth on March 13, 1764, issued his proclamation setting forth in substance that New York had no title to the lands granted by him, and that the patent to the Duke of York under which New York claims, is obsolete, and that New York cannot convey any certain boundary to New York, as plainly appears by the boundary lines of the Jerseys on the west and the colony of Connecticut on the east, and exhorted that the grantees now settled on those lands not to be intimidated, hindered or obstructed in the improvement of their lands, and to maintain his Majesty's government of New Hampshire westward far enough to include the Grants, and encouraging the Grantees to be industrious in clearing and cultivating their lands, and commanding all civil officers to be diligent in exercising jurisdiction under the government of New Hampshire, and to deal with any person or persons that may presume to interrupt the inhabitants or settlers on said lands, notwithstanding the proclamation of Lieutenant Governor Colden.

New York on July 20, 1764, at the Court of St. James obtained the following order from his Majesty and Council, viz: "that the western banks of the river Connecticut, from where it enters the Province of Massachusetts Bay as far north as the fifty-fifth degree of north latitude, to be the

boundary line between the said two provinces of New Hampshire and New York for the time being." On August 17, 1764, Har. Schuyler, a New York sheriff, reported to Lieutenant Governor Colden that the New Hampshire people had turned out Creiger from his land, drove off his cattle and carried away a parcel of Indian corn and compelled Creiger to pay forty-five dollars to redeem his cattle, and that he had arrested four of the New Hampshire people and lodged them in jail in Albany.

On September 4, 1764, Governor Wentworth by letter demanded their release, and added that it would be an act of cruelty to punish individuals for disputes between two governments, and that as to the question of jurisdiction he was willing to submit it to the King.

The Governor and Council of New York at a Council held at Fort George in the City of New York on June 6, 1766, ordered all persons holding claims under grants from New Hampshire to appear and produce their instruments of conveyance by which they derived their title or claim to the lands, before his Excellency in Council; and if such person should not appear and support their title within three months their claims would be rejected. These proceedings appear to have been called to the attention of Lord Shelburne, for in his letter to Governor Moore of New York of April 11, 1767, Lord Shelburne said that two petitions had been presented to the King in Council, one by the Society for the propagation of the Gospel and the other by Samuel Robinson of Bennington for

himself and more than a thousand other grantees of lands on the west side of Connecticut River under grants from the Governor of New Hampshire, praying for redress of grievances. And his Majesty commands that you make no new grants of these lands and not molest any person in the quiet possession of his grant who can produce good and valid deeds under the seal of the Province of New Hampshire until he receive further orders.

Lord Shelburne stated in the above letter that he had in his letter of December 11, 1766, directed him to "take care that the inhabitants be not molested on account of territorial differences or disputed jurisdiction, for whatever province the settlers may be found to belong to, it should make no difference in their property provided that their title to their lands should be found good in other respects, or that they have been long in the uninterrupted possession of them." And closes his letter as follows, viz: "the unreasonableness of obliging a very large tract of country to pay a *second time* the immense sum of thirty three thousand pounds in fees according to the allegations of this petition for no other reason than its being found necessary to settle the line of boundary between the colonies in question is so unjustifiable that his Majesty is not only determined to have the strictest inquiry made into the circumstances of the charge, but expects the clearest and fullest answer to every part of it."

In Governor Moore's reply to Lord Shelburne's letter and order bearing date June 9, 1767, which is too long to be inserted here, denies the truth of

the allegations in petitions of the Society for the propagation of the Gospel and of Samuel Robinson and those represented; and denied there were more than a quarter of the number of actual settlers on the disputed territory as represented by those petitions or that he received a large amount of money for fees in granting land; or that he had deprived the grantees of their rights; and he declared it would be his highest pleasure to have the strictest inquiry made into the charges made against him in the petitions.

The letter from Lord Shelburne above referred to dampened the ardor of the New York authorities to interfere with the grantees under New Hampshire. At the Conrt of St. James July 24, 1767, the King with the advice of his Council, having the matter in controversy under consideration did, "require and command that the Governor or Commander in Chief of his Majesty's Province of New York, for the time being, do not (upon the pain of his Majesty's highest displeasure) presume to make any grant whatever of any part of the lands, until his Majesty's further pleasure shall be known concerning the same."

This order was construed to prohibit only the granting of such of the lands as had been actually granted by the government of New Hampshire. The Legislature of New York about the year 1769 passed an act for the partition of certain land called Wallumschock that had been granted to James DeLancey and others under letters patent bearing date July 15, 1739, and were located in the County of Albany and included land east of

the 20 mile line. And commissioners and surveyors were sent to make partition of the land with the expectation that it would augment his Majesty's quit-rents.

The surveyors and commissioners from Albany in running the line met with some opposition from the settlers. Thereupon Lieutenant Governor Colden issued his proclamation commanding the Sheriff of the County of Albany to apprehend and take James Breckenridge, Samuel Robinson, Moses Robinson and several others, that he called rioters and offenders, and commit them, and that they be dealt with according to law. Complaints were made by Governor Wentworth to Colden that William Deane and others of Windsor in the County of Cumberland in the Province of New York were trespassing against his Majesty by cutting, felling and destroying white pine trees off from lands in the town of Windsor whereby the trespassers had forfeited the lands that had been granted to them, and said land for that reason had become vested in the Crown.

For a while after the King in Council on July 20, 1764, had declared that the New York Province extended to Connecticut River, New Hampshire ceased to make claim to lands west of Connecticut River or to protect the inhabitants of the New Hampshire Grants from the encroachments of the New York authorities on their rights and possessions. In consequence of the withdrawal of any claim to the territory known as the New Hampshire Grants by New Hampshire, many of the people inhabiting the said Grants began to

assert their independence and resist any New York interference.

New York sympathizers, to the number of 436, residing in the Counties of Cumberland and Gloucester, on November 1, 1770, petitioned to the King, setting forth that anciently the Colony of New York was bounded on the east by Connecticut River; that the government of New Hampshire was limited, and confined in its extent westward to his Majesty's other governments, and that notwithstanding this clear designation of boundary to each Province, New Hampshire continued to make grants westward of that river till finally on July 20, 1764, the Royal order determined and declared the western bank of the Connecticut River was the boundary line between the Provinces of New Hampshire and New York; and complaining that in June 1770, a number disorderly persons of Windsor in the County of Cumberland, in a riotous manner and by threats obstructed the proceedings of the Court of Common Pleas, and claimed that no obedience was due to magistrates and civil officers, and their action was unauthorized; and that the jurisdiction belonged to the government of New Hampshire; and that said riotous persons eluded public justice by flight into New Hampshire; and said rioters and others had signed a petition to have the jurisdiction changed from New York to New Hampshire; and all of this was done to elude the punishment due to transgressors; to promote the interests of individuals who have made a traffic of the New Hampshire titles and to aggrandize the family of

the late Governor Wentworth, for whose benefit reservations of land were made in all the numerous grants which he thought proper to pass.

On December 3, 1770, four hundred and eight persons, representing themselves inhabitants of certain lands on the west side of the Connecticut River in the Province of New York made petition to John Earl of Dunmore, Captain General and Governor-in-Chief in and over the Province of New York, setting forth that an unhappy controversy had existed for some years between the governments of New York and New Hampshire relative to the validity of the grants issued by the latter, which has proved extremely detrimental to the Crown and the country; that they had settled on the lands granted them and cultivated and improved them, conceiving their title to be good till the Royal Order of July 20, 1764, determining that New York extended to the western bank of the Connecticut River; that they now were desirous of holding the same under New York and asked for a confirmation of the title of their lands under New York for a moderate fee; and that the lands that were not improved might be granted on the usual terms.

On January 27, 1771, a petition signed by many persons residing in the territory known as the New Hampshire Grants, was presented to the King, setting forth that they were faithful, obedient subjects, whose only hope of relief from immediate poverty, distress and ruin, with their helpless wives and children, depended upon his Majesty's lenient and paternal interposition, that they were

within jurisdiction of New York which was formerly in his Majesty's Province of New Hampshire; that they in good faith settled, cultivated, inhabited and improved the lands granted to them under the patent issued to them by Benning Wentworth, and expended their whole fortune and all their labor on the premises so granted to them. The jurisdictional line having been removed they, therefore, were included in New York, which "is and forever will be highly detrimental and disagreeable to them, both in their property and good government;" and since the change of jurisdiction, their possessions have been granted to other people under the great seal of New York; that writs of ejectment have been brought, their property wrested from them; their persons imprisoned and their whole substance wasted in fruitless law suits merely to enrich a few men in said Province of New York; that many of the petitioners were soldiers in his Majesty's army in the English and French war in North America; and asked to be preserved from impending evils by being re-annexed to New Hampshire.

Lord Dunmore from New York wrote Lord Hillsborough March 9, 1771, respecting the troubles in the New Hampshire Grant territory. He said "this is a fine country, capable of great cultivation, and of subsisting many thousands of useful subjects."

He claimed that the disorders there owe their origin and progress to the intrigues of persons in power in the Province of New Hampshire, with aims of enhancing their private fortunes, out of

the Crown lands, and in the vain hope that his Majesty may be moved to annex this territory to the Province of New Hampshire under which their grants were obtained. He claimed that a great majority of the settlers were averse to a change, but well disposed to a peaceable submission to the decision of his Majesty of 1764, and there would be no established tranquility in that quarter till the revocation of the late order by which the grants of this province were suspended.

On March 4, 1771, Alexander Colden, Surveyor General of lands for the Province of New York, made his certificate that on May 22, 1765, he received a copy of an order of the Lieutenant-Governor directing him, until further orders, not to make return of any warrant of survey, then already, or which might thereafter come to his hand, of any lands actually settled by persons under the grants of the government of New Hampshire westward of Connecticut River and eastward of Hudson River, unless for persons in actual possession thereof, and that he had complied with such order.

CHAPTER XV.

THE NEW YORK VIEW OF THE CONTROVERSY BETWEEN THAT STATE AND NEW HAMPSHIRE.

CONTINUED.

The adherents of New York continued to send in their complaints to the authorities of that State accompanied by many affidavits, claiming that the inhabitants of the Grants were fomenting disorder; that they had become purchasers of land under the New Hampshire grants after the proclamation of Governor Colden of December 28, 1763, in which he claimed that New York claimed jurisdiction to Connecticut River; that such settlers purchased their lands on condition never to pay the purchase money except the New Hampshire title be made good; they do not submit to the laws, customs or usages of the government of New York; they choose selectmen for the townships and hold frequent town meetings pursuant to their charters, and make the laws of New Hampshire the rule of their conduct; they declare they have tied up and publicly whipped persons who had settled under titles derived from New York; and they have threatened to serve every person in like manner who should come there on the like errand; that proprietors under New York have always been disposed to treat the settlers under

New Hampshire with tenderness and forbearance which they have construed to arise solely from the proprietors under New York doubting the validity of their own title, and it has increased the spirit of opposition of the New Hampshire Grants, and they assert that the suits of ejectment brought against them under the authority of New York were simply to frighten them; that the New York officers were resisted by armed men when they came to serve writs of possession against the defendants in the ejectment suits; that the settlers under New Hampshire were animated with hopes that the Royal order of July 20, 1764, might be rescinded; that had it not been for the encouragement given to the settlers by the Governor of New Hampshire that they would be soon annexed to New Hampshire, they would have submitted to the laws and jurisdiction of New York, and the disputes concerning land titles would have been at at an end.

John Munroe represented in his affidavit that the settlers in the vicinity of Shaftsbury, since his Majesty's order in Council of July 20, 1764, had increased five-fold, and purchased, for a small consideration, titles under New Hampshire, when they knew the land had been granted by the government of New York, and that the people regulated themselves by the laws of New Hampshire and the charters granted by Governor Wentworth; that a number of persons disguised, rescued from a Constable, Moses Robinson whom the Constable had in charge as a prisoner, and when the Constable commanded them to disperse and

surrender up his prisoner and telling them they were acting against law, they "damned the laws of New York and said they had better laws of their own," and obliged the Constable and his assistants to fly for their lives; that the claimants under New Hampshire had in general confederated to resist by force of arms the execution of the laws of New York; that the Sheriff undertook to serve a writ of possession on one Isaiah Carpenter. The Sheriff found Carpenter and some of his neighbors in the house armed to resist, one gun loaded with powder and bullets and one with powder and kidney beans.

The affidavit of one Simeon Stevens who claimed to be an inhabitant of Charleston in the Province of New Hampshire, taken at New York City, stated, that he understood and believed that Governor Wentworth granted all the lands on the west side of Connecticut River without the advice of his Council in granting the respective tracts, but did obtain their general advice for making the grants.

Samuel Wells of Brattleboro, one of the judges of the Court of Common Pleas, and one of his Majesty's Justices of the Peace who purchased lands under Governor Wentworth before 1762, which was confirmed to him by a grant from the government of New York, stated in his affidavit, given March 2, 1771, that at the time the King had determined that the eastern boundary of New York was the Connecticut River, July 20, 1764, the Province of New York to the eastward of the Green Mountains had very few inhabitants,

but at the time of giving his affidavit they had increased to ten times the former number and had purchased lands under the New Hampshire patents, but since the King's determination aforesaid many were desirous of taking out new grants from the Province of New York: he said that within two years the people in that part of the country have been induced to conceive that that part of the country would soon be annexed to New Hampshire, and that they had been encouraged in that view by Governor Wentworth; that a petition to his Majesty to bring about the annexation had been widely circulated in the northern part of the district and signed by many of the people, whether inhabitants of that country or not and by children down to 12 years of age; but the settlers in the southerly part of that tract east of the Green Mountains had not signed the petition and were almost universally desirous of remaining in the Province of New York.

Many affidavits substantially of the same character were taken in the interest of New York. One John Kelley stated in his affidavit, bearing date March 6, 1771, that he had a map that he procured from a gentleman in New Hampshire as an authentic draft of the lands said to have been granted by Governor Wentworth on the west side of Connecticut River, and from that, it appeared that Governor Wentworth had issued 129 patents, the names of the townships and the dates of the grants being given, commencing with Bennington, that was issued January 3, 1749, and ending with Corinth that was issued February 4, 1764.

The number of inhabitants in the County of Cumberland in 1771, was 3947, and in Gloucester County 762 as given in the New York Documentary History. In the County of Gloucester at that date there were 121 heads of families as given in said History.

On May 30, 1771, John Munro, a Justice of the Peace, wrote to Secretary Banyar in the interest of the New York government, that "every person that pretends to be a friend to this government is in danger of both life and property; for my own part I have done every thing that might be a means to prevail, but all to no purpose, for every act of friendship that the government and ministers of justice show them, seems to raise their spirits as if the whole government were afraid of them. They assemble themselves together in the night time and throw down all Yorkers fences and drive the cattle into the fields and meadows and destroy both grass and corn and do every mischief they can think of."

Accompanying this letter were affidavits of Samuel Willoughby and David Wing taken before said Munro as Justice. Willoughby, who was one of his Majesty's Constables, stated that he was overtaken on the King's highway by a number of rioters armed with clubs, and that one of them laid hold of him with his club over his head, and threatened his life unless he would carry off the writ of ejectment which he had served upon one of the rioter's wives in his absence, which the Constable refused to do, upon which one of the rioters came up and laid the writ upon his arm and

obliged him to bring it off; and that on the night of the 23d day of May 1771, on his way from Albany to Bennington to serve some executions, he lodged at the house of Samuel Safford in Bennington, and that in the night the family were alarmed by the firing of a gun, and in the morning he found his horse had been shot dead.

David Wing stated in his affidavit that on May 21, 1771, he was commanded to assist Samuel Pease, one of his Majesty's Constables of the County of Albany, to take one Thomas French with others for rioting, but they were met by a number of rioters; they found French's house surrounded by a great number of men "vowing that the Constable and his party should carry no man out of town, and if the Constable carried one to jail, the jail should not stand three weeks; they damned the rascally Yorkers, Esquire Munro and all his authority, with many such other expressions."

In a long document addresssd by the Board of Trade to the Lords of the Privy Council June 6, 1771, the Board in a general way claimed that the jurisdiction of New York extended to Connecticut River, but at the same time suggested, to save disputes and for effectually securing the settlers under New Hampshire grants in the possession of what they have already settled and improved, that it be submitted to a jury whether there had been any actual settlement and improvement of the lands claimed under the New Hampshire grants, and if such settlements and improvements were found to have been made before grants were

made by New York, such settlers should have preference and be left in possession.

On October 2, 1771, the Governor of New York addressed a letter to the Governor of New Hampshire, complaining that his Excellency had procured Whiting and Grant to explore Connecticut River, with the purpose of showing that the northern limits of New York would in no part intersect the Connecticut River, and that his Majesty might be induced from this circumstance to alter and extend the jurisdiction of New Hampshire. And stating that he had received intelligence that Whiting and Grant, instead of tracing to its source the northerly branch which was the head of the river, pursued an easterly branch above the township of Lancaster to its source that they called the head of Connecticut River.

The following account of an attempt of Henry Ten Eyck, the High Sheriff of the County of Albany, to serve a writ of possession for the lands and tenements recovered of one James Brakenridge at Bennington in July 1771, is given by Wm. Pemberton, one of the Sheriff's posse. They found a large number of armed men in and near the house. The house was locked and barricaded and a number of loop holes made through which to fire. The Sheriff knocked at the door for admittance. He was refused admittance. The Sheriff ordered the writ to be read. The Sheriff went up to those outside of the house—about forty armed men—and requested them to begone. The Sheriff asked them what business they had there. They then asked the Sheriff what business he had there.

The Sheriff informed them he came to take possession of Brakenridge's house. They requested the Sheriff and his posse to depart, and if they did not they would make them depart, whereupon the Sheriff returned to the house, knocked at the door and requested admission, and called upon one of his deputies for an axe in order to break open the door. As soon as the Sheriff took the axe, the party opposed presented their guns that had been previously cocked ready for use. Pemberton took hold of the Sheriff and prevented him from forcing the door, thereupon the Sheriff and his posse left. The Sheriff started for another house to give possession, but his posse would not follow him.

John Munro in his letter to Governor Tryon of November 6, 1771, said, "I am sorry to inform your Excellency that the same factious spirit still prevails throughout this country, for its got so that no man durst speak one word in favor of this government without being in danger of both life and property—for they declare themselves not afraid of all the force that this government send against them, and they will hold the land in defiance of his Majesty, should he go contrary to what they think is right."

On November 12, 1771, a warrant was issued for the arrest of Ethan Allen, Baker, Sevil and Robert Cochran and accomplices, to be brought before a Justice to be dealt with as rioters. In the complaint of Charles Hutcheson on which the warrant was based, it was stated that while he was at work on his 200 acres of land granted to him under the seal of the Province of New York,

nine persons armed, calling themselves New Hampshire men, came to the house he had built on the lot and attempted to demolish the house. He requested them to stop. They said they would burn it; for that morning they had resolved to offer a burnt sacrifice to the gods of the world. * * * They held two clubs over his head ready to strike and commanded him to leave that land, and if he returned he should be barbarously used." They often boasted that they could on short notice raise many hundreds of New Hampshire men to prevent any soldiers or others settleing on these lands. He said he had been "credibly informed that said Allen denies the being of a God, and denies that there is any infernal spirit existing."

The said Justice who issued said warrant for the apprehension of said persons, wrote to Col. Fanning November 12, 1771, "that I am of opinion no Sheriff or Constable will apprehend them. That it will be highly necessary for his Majesty's peace and the relief of these distrest highlanders who fought valiantly through the last campaign, that his Excellency in Council issue his proclamation offering reward for apprehending those abominable wretches—that then some person of their own sort will artfully betray them."

On December 11, 1771, Wm. Tryon issued his proclamation setting forth that New York had an incontestible right to the territory to Connecticut River, and that sundry loose and disorderly persons claimed lands under New Hampshire within 17 miles of the Hudson River, and openly bid defi-

ance to the authority of his government, burnt several dwelling houses, and were endeavoring to delude the ignorant and unwary into a belief that 20 miles from Hudson River is the boundary between this Province and New Hampshire; and claimed that until the year 1741, the west boundary of New Hampshire was the Mason line which extended only sixty miles from the sea coast. And generally reviewed the jurisdictional controversy with New Hampshire. And closed his proclamation, by enjoining all persons residing on the lands before claimed by New Hampshire, to yield strict obedience to the laws of New York as faithful subjects, as they would answer the contrary at their peril. The Council of New Hampshire took under their consideration the letters of Governor Tryon to Governor Wentworth and said proclamation, and advised Governor Wentworth not to issue any proclamation relating to the premises as his Majesty's order in Council July 20, 1764, had limited New Hampshire to the west bank of Connecticut River.

In the official documents and declarations of the New York Governors and other officials and in the letters and affidavits given and sent to the New York authorities by the inhabitants of the New Hampshire Grants who were sympathizers with the New York view of the controversy, called and treated the inhabitants of that territory rebels, rioters, and rascals instead of men contending for their personal and property rights. The Governor of New York on May 19th, 1772, informed his Council that the rioters had brought to Ben-

nington two peices of cannon and a mortar peice from the fort at East Hoseck with powder and ball, and were making great preparation for their defense, giving out that a body of regulars were on their march against them. And that Remember Baker and his party went the day before to the house of Bliss Willoughby, and cut him in a barbarous manner. And on the same day Governor Tryon addressed a communication to the inhabitants of Bennington charging them with many illegal acts and warning them of the consequences, setting forth that such acts were not only a reproach to themselves but dangerous and injurious to their families and interests and cannot fail of being highly offensive to their Sovereign; that they might depend that a perseverance in their disobedience to, and violation of the laws of their country must soon draw forth against them the exertions of the powers of government; that he was willing to examine into the grounds of their behavior and discontent with deliberation and candor, and give such relief as the nature of their situation and circumstances would justify; and would give full protection and security to any one they might send to confer on the matter, except Robert Cochran, Ethan Allen, Remember Baker, Seth Warner and one Seville mentioned in his proclamation of December 9, 1771; and reminding them that the King had fixed Connecticut River as being the boundary between New Hampshire and New York; and don't be misled or deceived by a persuasion that that part of the country that they inhabited would ever be annexed to the government of New Hampshire.

On May 22, 1772, Benjamin Spencer informed the Governor "that in the town where he resided the inhabitants were daily threatened to be driven off their possessions, the house he lived in burnt, and that he was obliged to confine himself at home as he could not with safety go from thence to transact his business."

On June 1, 1772, the Council of New York made report to their Governor giving their version of the entire controversy, placing the New Hampshire Grants in the wrong. The Council admitted that the New Hampshire Grants claimed and deemed the soil of the district in controversy was within the jurisdiction of New Hampshire until the year 1764, when the King fixed the boundary between the two provinces at Connecticut River; that the property in the soil was not altered but the jurisdiction only was established by the order; that since that order sundry grants have been made by New York government on the lands that had been previously granted by New Hampshire. Such grants were contrary to the prohibition contained in his Majesty's instructions to the Governor of New York, but grantees under New York had brought repeated ejectments to dispossess the settlers, under New Hampshire, whose proof on trials of their title, though taken from authentic records, were rejected, and not allowed time to collect evidence to support their cause, contrary to the laws and usages of New York; and that many persons had been groundlessly accused and indicted as rioters and thereby greatly harassed and distressed by imprisonment and unreasonable costs.

On November 24, 1772, John Munro wrote Governor Tryon that money was being counterfeited and counterfeit dollars of the dates of 1760, 1766, and 1768, and a crown piece dated 1752, were found on John Searls of Arlington and Comfort Carpenter of Shaftsbury; that he had issued mittimus for them and sent them off in the custody of the Constable and his assistants; they suffered Carpenter to make his escape, and Searles they committed to jail, but after ten days let him go about his business. And then says, "what can a Justice do when the whole country combines against him—the very night I sent those two to jail some of their associates broke and destroyed one of my potash works, which cost me upward of fifty pounds—my property is destroyed night and day. By the confession of these felons, there is a line of money makers from New Jersey to a place called Cowas Back of New Hampshire. I have got the names of 17 more. I have sent after them, but I know the Constables will not be faithful for they are, it is my opinion, less or more concerned."

The New York Council in November, 1772, were informed by Major Philip Skene that certain towns on the Grants held a meeting at Manchester on the 21st of October, 1772, and appointed Jehiel Hawley and James Brakenridge their agents to repair to London to get a conformation of their claims under the grants of New Hampshire and that their agents were instructed to pray for an alteration in the jurisdiction; thereupon on December 3, 1772, the Board of Trade addressed a

long communication to the Lords of the Privy Council, restating their claim of the nature of the controversy, which has heretofore been stated, and too long to be stated here in full, and stating their plan to the Privy Council for the settlement of the difficulties respecting the New Hampshire Grants. But in all the plans suggested they insisted that the jurisdiction should extend to Connecticut River.

On December 23, 1772, a petition of 151 persons of the County of Cumberland was presented to Governor Tryon praying his Excellency to issue a writ to enable the freeholders and inhabitants of the said County to elect and choose two representatives of said County to serve in the General Assembly. Said petition was read in Council and the writ ordered to issue.

After the County, Charlotte, had been formed out of the County of Albany that embraced lands and towns east of the twenty mile line, there was a numerously-signed petition presented to Governor Tryon to make Skenesboro (now Whitehall) the seat of judicature for the new County, and that was favored by many of the New Hampshire Grants.

A petition was made to the King in January, 1773, signed by the inhabitants of Gloucester and Cumberland, to the number of about 400, beseeching his Majesty "to direct that the several townships which they hold under the charter of New Hampshire within the said Counties may be forthwith granted and confirmed to them under the Great Seal of the Province of New York at the usual quit-rents and half the fees of office."

Lord Dartmouth, on behalf of the King and his Council, in answer to the report of the Lords of Trade respecting the land grant controversy between New Hampshire and New York, addressed Governor Tryon on April 10th, 1773, giving his Majesty's final instructions upon the difficult matter, in which he declared, "that all claims to lands derived from the grants of townships heretofore made by the Province of Massachusetts Bay, should be established and confirmed, and the present proprietors quieted in their possessions, and that all grants whatever made by the government of New York within the limits of said townships, being in their nature oppressive and unjust, should be set aside, but that the persons, claiming possession under those grants, should upon condition of their quitting such claim, receive grants under the seal of New York upon the like terms and free of all expense of an equal number of acres in some other part of the district lying between the River Hudson and the River Connecticut. And that in cases where any actual improvement has been made, the possessor should receive fifty acres of waste land for every three acres that have been so improved." They also decided that grants made by New York, antecedent to those made by New Hampshire, should be confirmed, if possession had been taken and improvements made. And that all townships laid out by the Governor of New Hampshire or New York, not included within the limits of antecedent grants, be established as townships, and all persons possessed of shares therein where actual settlement

and improvement have been made be quieted in such possession. And recommended that the legislature of New York establish some mode to ascertain by a jury the state of possession, settlement and improvement on such lands. And all other lands not granted be disposed of as the King shall think fit. No order was made to place the disputed lands within the jurisdiction of New Hampshire. These orders did not satisfy the people generally living in the disputed territory.

Governor Tryon not being quite satisfied with the above instructions and order of the King and and his Council, addressed Lord Dartmouth on July 1, 1773, and said, "your Lord is already appraised that the measures recommended by the Lords of Trade cannot be carried into execution without the authority of the legislature, and you will permit me frankly to declare that I think I cannot flatter myself with the slightest hope of procuring the concurrence of the Assembly of this Province in a scheme so repugnant to the claims of persons who from their numbers and connections have a very powerful influence in the Colony." And urged that his Majesty should take the matter into his own hands without the aid of the legislature and "declare the New York Patents valid whether they do or do not interfere with prior or subsequent grants under New Hampshire. And that all New Hampshire Patents be declared void." And make liberal equivalents out of waste lands to the settlers under New Hampshire Grants.

In August 1773, more rioting was reported.

James Henderson wrote August 12, 1773, "last night we were overpowered by more than 100 men. Our houses are all burnt down. The grist mill is all put down; the mill stones broke and thrown into the creek; the corn all destroyed by their horses; and when it was proposed that we should build houses and keep possession, they threatened to bind some of us to a tree and skin us alive, therefore we think it impossible for us to live here in peace."

John Munro wrote again to Governor Tryon on August 22, 1773, "that the mob had broke loose. * * * A few nights ago all my pot and pearl ash, with twenty barrels of pot and pearl ash were burnt to ashes in the night time. * * * Last night one of the mob was taken by a Constable for stealing a horse but the mob rescued him immediately and carried him to Bennington." This letter was read in Conncil on September 20, 1773.

John Cameron made affidavit at New York City September 25, 1773, which set forth that he and several others settled as tenants of Col. John Reid on lands on the Otter Creek in Charlotte County, while viewing the land with Colonel Reid, were met by two Englishmen who claimed a part of the land under New Hampshire on which houses had been built by Reid's former tenants; that crops were growing on said lands; that said New England claimants agreed to remove from the land till the King's pleasure should be known, if Reid would purchase their crop, which Reid consented to do; and that Reid paid over 61 pounds

for the crops, and Reid's tenants took possession of the land; and notwithstanding this a mob on August 11, 1773, turned James Henderson and others out of their houses and burnt them to the ground, and let loose about 50 horses into the field of corn that Colonel Reid had purchased, and also burnt a large stack of hay; that rioters on the next day headed by Allen, Baker and Warner destroyed Reid's grist mill; that the said Cameron then demanded by what authority or law they committed such violence, to which Baker replied that they lived out of the bounds of the law, and holding up his gun said that was his law and that they were resolved never to allow any person claiming under New York to settle in that part of the Province, but if he would join with them they would give him lands for nothing; that he saw among the rioters one Joshua Hide one of the men that Reid had paid for his crops.

On August 31, 1773, the Council of New York advised the Governor to request the Commander-in-Chief to order troops to occupy the posts of Ticonderoga and Crown Point to keep the peace and aid in the execution of the law in that part of the country. Governor Tryon sought to obtain some of the King's troops through General Haldimand, but Lord Dartmouth informed the Governor through General Haldimand "that the King does not think fit that his Majesty's troops should be drawn out in aid of the civil power in the Colonies, unless in case of absolute and unavoidable necessity.

Benjamin Spencer in his affidavit taken Decem-

ber 6, 1773, set forth in substance that a mob led by Ethan Allen, Seth Warner and Remember Baker, numbering in all 130 to 150 men, on November 12, 1773, broke down his door with an axe and entered his house, and ordered him to arise and called him an old offender, and that he and his townsman must take and hold their lands under New Hampshire and submit to the rules of their mob or they would destroy their property and make them quit the country; that he was taken to the house of Joseph Smith in Durham where the mob concluded to hold their Court; there they erected what they called a "judgement seat," where Allen, Warner, Baker and Robert Cochran took their seats as judges; that they charged him that he had made application to the government of New York for title to his land and induced others to join him; that he acted as Commissioner of the Peace under the Great Seal and government of New York contrary to *their* orders and rules; had issued warrant against one of their party for trespass and induced people to pay respect and obedience to the laws of New York. The Judges adjudged his house a nuisance and that it should be burned. "They accordingly set the roof on fire and took the roof entirely off with great shouting of joy and much noise and tumult." They charged Spencer not to act as a magistrate or do anything against their interest on pain of the severest punishment.

On February 4, 1774, the New York Grand Committee of Grievances made report, on the claimed outrages, to the New York Assembly, and

recommended that the Governor be addressed to "issue a Proclamation offering a reward of fifty pounds for apprehending and securing in his Majesty's gaol in Albany for each or either of the following persons, viz: Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Sylvanus Brown, James Brackenridge and John Smith" whom they denominated ringleaders and actors in the riots. The House brought in a bill accordingly. On March 9, 1774, Governor Tryon issued his Proclamation as prayed for, except he increased the reward for the apprehension and securing Allen and Baker to 100 pounds each.

On September 1, 1774, the said Benjamin Hough complained to Lieutenant-Governor Colden again of the conduct of rioters and said, "the measures heretofore adopted by his Excellency Governor Tryon in Council, the resolves of the General Assembly and the acts of Legislature, (being an act to punish rioters passed March 9, 1774,) instead of producing this salutary effect, have only served to increase the rage and malice of those dissolute people and to expose your petitioners to fresh insults, and, if possible, to greater danger, * * * that the rioters were unrestrained by principles of duty or fear of punishment, and seem to have arrived at the last stage of deliberate opposition to government and laws; that they have lately erected two fortresses in the County of Charlotte—one on Onion River and the other on Otter Creek, an act of hostility; * * * that the inhabitants that are averse to the law-

less proceedings are daily exposed to the most imminent dangers in persons and property, and that their magistrates are treated with so much inhumanity they can have no reason to look for the least mercy.

On September 7, 1774, the Lieutenant-Governor applied to General Gage for a military force to aid in quelling disturbances, but it was again refused. Lieutenant-Governor Colden wrote to Lord Dartmouth October 4, 1774, that the affidavits sent him show how much his Majesty's peaceable subjects are molested and insulted by a lawless set of men who at first settled there under a claim made by the government of New Hampshire; but since they have been disowned by that government, they will pay obedience to none—assume all power to themselves, choose magistrates, erect Courts and inflict punishments. Fugitives from all the neighboring governments resort thither, so they are now become numerous and a dangerous body of banditti which is every day increasing." The object of Colden in writing to Lord Dartmouth was to get aid from the King's troops, but Dartmouth declined to favor his project.

Lord Dartmouth on December 10, 1774, wrote Lieutenant-Governor Colden, in reply to his application for troops, "I do not at present see sufficient ground for the adoption of such a measure, and I cannot be without hopes that, when the present very alarming situation of the King's affairs in North America, from other causes, will leave our hands more at liberty, some means may be

found to accommodate these disputes without the risk of bloodshed." Undoubtedly the expression of "*alarming situation*" referred to in the above paragraph had reference to the state of feeling that was rising through the American Colonies, showing a determination of the people to throw off their allegiance to the British Crown, and the King and his Council feared that complying with Lieutenant-Governor Colden's application for troops would add fuel to the fire that was already burning.

In March, 1775, Benjamin Hough again made his complaint to Lieutenant-Governor Colden of outrages committed against him by those he called a mob, in which he stated that on the 26th day of January, 1775, he was seized by an armed power and bound and violently forced from his residence, and kept in close confinement for several days, and was tried before a mock tribunal and condemned to receive 200 stripes on his naked back; and that ignominious sentence was carried into the severest execution, and then was banished from the country on pain of receiving 500 lashes in case he should be found within their jurisdiction. He then was dragged from his house bleeding and fainting under his wounds, and they insisted he should go at once to the city of New York or Albany; and to add to their arrogance they publicly gave him a certificate that he had received full punishment for the crime with which they had charged him, signed by Ethan Allen and Seth Warner. He set forth that the crime he was charged with was that he had complained to the

government of New York of their misconduct to magistrates and inhabitants of the Counties of Albany and Charlotte, and discouraged people from joining them, and had accepted and exercised the office of a magisarate for said Counties contrary to their injunctions. This trial and punishment took place at Sunderland. This affidavit was read in Council on March 9, 1775.

Other riotous proceedings were reported to the New York authorities by the New York sympathizers, especially from Cumberland County. A long report was made and several affidavits were taken giving an account of the affair or massacre at Westminster Court House that took place at the time William French was killed. They claimed they killed one of the rioters and wounded nine other persons. What took place on that occasion is fully stated in the former volume.

On April 5th, 1775, Lieutenant-Governor Colden wrote to Lord Dartmouth, on learning of the trouble at Westminster, that the Bennington rioters grew from time to time more daring and dangerous. They began with pretending only to hold possession of the land on which they had settled, but they have extended their designs farther, and are daily growing more and more formidable and dangerous to government.

We have followed the history of the controversy between New York and New Hampshire down to a time when the attention of the people of New York, as well as the people of the New Hampshire Grants and of all the Colonies were called to take part in the Revolutionary struggle

to free the Colonies from British tyranny and establish the American Nation. We have come down to the important event of the capture of Ticonderoga by the Green Mountain Boys led by Ethan Allen.

CHAPTER XVI.

THE NEW YORK VIEW OF THE CONTROVERSY BETWEEN THAT STATE AND THE GREEN MOUNTAIN BOYS.

The reader has noticed that in the history of the New York view of the controversy as set forth in the last two chapters, the New York officials in their letters, reports and official documents in no way recognized the territory lying between Connecticut River and the twenty mile line east of Hudson River as a separate jurisdiction, but treated that territory as the north-eastern part of the New York Province, and claimed that all the disturbances in that territory were within their own jurisdiction and rebellion against the laws of their State. Their complaints were against Governor Wentworth and the State of New Hampshire. They sought aid from the Crown to quell the riots and to settle the disputes between those who had taken title to their land under conflicting patents or grants. But the time had come when England was treated as the enemy of the Colonies and New York could look no longer to British source for assistance and that government must prepare, in common with the other Colonies, to defend themselves against British tyranny.

After the Green Mountain Boys had captured Fort Ticonderoga under the lead of Ethan Allen, and took a vessel at St. Johns and destroyed a number of boats and store houses, Ethan Allen came to the conclusion that it was time for New York to cease her opposition to and interference with the settlers on the New Hampshire Grants, and addressed the following letter to the New York Provisional Congress, viz:

"TICONDEROGA, 20th July, 1775.

RESPECTABLE GENTLEMEN:

When I reflect on the unhappy controversy which hath many years subsisted between the government of New York and the settlers on the New Hampshire Grants, and also contemplate on the friendship and union that hath lately taken place between the government and those, its former discontented subjects, in making a united resistance against ministerial vengeance and slavery; I cannot but indulge fond hopes of reconciliation. To promote this salutary end, I shall contribute my influence, assuring your Honors, that your respect for not only to Mr. Warner and myself, but to the Green Mountain Boys in general, in forming them into a battalion, are by them duly regarded, and I will be responsible that they will retaliate this favor by wholly hazarding their lives, if need be, in the common cause of America.

I hope no gentleman in the Congress will retain any preconceived prejudice against me, as on my part I shall not against any of them; but as soon as opportunity may permit and the public cause not suffer thereby, shall hold myself in readi-

ness to settle all former disputes and grievances on honorable terms.

I am Gentlemen, with greatest respect,
Your devoted, most obedient, humble servant,
ETHAN ALLEN.

To the Honorable Provincial Congress, New York."

On the first of September following, Seth Warner was appointed Lieutenant-Colonel of the Green Mountain Boys by the New York Provincial Congress. The above letter indicated that Ethan Allen was willing to extend to the New York government the olive branch of peace and reconciliation, but New York made no concessions to New Hampshire or the Green Mountain Boys at this time, but endeavored to make common cause with the other twelve Colonies against England and at the same time to maintain their jurisdiction as a Province to Connecticut River, and sought assistance from the Continental Congress in the maintenance of such claim. While on the other hand the inhabitants of the territory called at that time the New Hampshire Grants were fully determined to resist all efforts that should be made, from whatever source it might come, to bring them into the jurisdiction of New York or to submit to her authority, and at the same time make common cause with all the Colonies against Great Britain in her attempt to subject the American Colonies to her arbitrary rule and government.

At a Convention, of 56 delegates from 36 different towns, held at Dorset September 25, 1775,

the Convention had under consideration the illegal and unjustifiable measures of New York, especially in respect to the landed interests of the inhabitants on the New Hampshire Grants and in regard to forming a separate District from New York, and declared it would be very inconvenient for the inhabitants, on account of distance and other reasons to associate or connect with New York, but that it was "necessary that every individual in the United States of America should exert themselves to their utmost ability in the defense of the liberties thereof," and 45 of them signed a statement that they would "strictly and religiously adhere to the several Resolves passed in this or a future Convention (constituted on said District) of the Honorable Continental Congress relative to the general cause of America." Some time in 1776, some members of Congress advised the agents of the Grants, not to make application to have their territory at that time set off into a new State, but to have a delegate at New York or Philadelphia so that they might be ready to answer for themselves in case New York should attempt to have a confirmation of their claim over their territory, and deemed it advisable to avoid signing any instrument that would by any means bind them to New York so that they could not renew their pretensions at a future day.

The authorities of New York had learned that Colonel Warner was authorized to raise a regiment on the New Hampshire Grants, independent of the State of New York, to be employed in the

common cause. At this New York was indignant. They said "this State is of great importance in the present war. * * * The State will not submit to be dismembered; and there are not wanting many respectable characters, both in the Senate and the American army, who intimate that they would rather submit to a tyrant at 3000 miles distance than to avaricious or tyrannical neighbors."

On January 20, 1777, a committee to whom was referred the state of the Counties of Gloucester, Cumberland and Charlotte made report to the New York Committee of Safety, claiming that violent disputes and animosities have arisen and still subsist within the said Counties by reason of sundry unjust and iniquitous pretensions anciently set up by the States of Massachusetts and New Hampshire against certain large tracts of land within the known bounds of New York; and that many wicked and turbulent persons for the promotion of their private interests have artfully fomented said animosities, falsely alleging that said Counties were out of the bounds of the State, and that the government were determined to oppress, harass and impoverish the inhabitants of said Counties, and have incited them to disown their allegiance to the State of New York; and men of influence in the neighboring States concur in the design to dismember the State, and that it was reported that the Continental Congress would aid and assist in the independence of the said Counties, and such report received great weight and authority from the appointment of

Seth Warner to be the Colonel of a regiment to be raised in that part of the State of New York and to appoint his own officers independent of the State; that said Warner had been principally concerned in divers riots, outrages and cruelties committed in the said Counties; from the action of Congress they meant to give direct and ample testimony of their intention to protect such turbulent persons in their unjust designs; that many of the adherents to New York living on the Grants would submit to the tyranny of Great Britain "rather than suffer so valuable a territory to be purloined from them;" that the spirit of disaffection has extended to those Counties through the arts and misrepresentations of certain inhabitants of the County of Charlotte distinguishing themselves by the name of Green Mountain Boys and other emissaries; and in substance that territory was aiming at complete independence; and that a pressing application be made to Congress to interpose their authority and recommend to said insurgents that they submit peaceably to the jurisdiction of New York; and disband the regiment directed to be raised by said Warner.

On January 20, 1777, A. Ten Broeck of New York wrote a letter to John Hancock, President of Congress, in which he complained that they got no aid from Congress against the New Hampshire Grants, although New York were making their utmost exertions in the Common Cause, and said that the King of Great Britain had by force of arms, taken from them five counties; and attempt is made in the midst of their distress, to purloin

from them three other counties. And closed the long letter by saying, "it is become a common remark in the mouths of our most zealous friends, that if the State is to be rent asunder, and its jurisdiction subverted, to gratify its deluded and disorderly subjects, it is a folly to hazard their lives and fortunes in a contest which, in every event, must terminate in their ruin.

Thomas Young of Philadelphia, the friend of Vermont, as stated in the first volume of this history, on April 11, 1771, wrote to the people of the Grants to proceed, call a convention of delegates of the respective towns of their District and form a Constitution for their State, and he doubted not they would be admitted as a State by Congress.

On June 30, 1777, the members of the Continental Congress took into consideration the letter from Abraham Ten Broeck, President of the Convention of New York, and the resolutions of the Committee of Safety of that State, the petition of Jonas Fay, Thomes Chittenden, Heman Allen and Reuben Jones in behalf of the people of the New Hampshire Grants and the letter of Thomas Young of Philadelphia, and, after deliberation, resolved that Congress, by raising and officering the regiment commanded by Colonel Warner, never meant to give any encouragement to the claim of the people (of the New Hampshire Grants) to be considered as an independent State; and that the sentiments expressed in the said letter of said Young, were derogatory to the honor of Congress and a gross misrepresentation of the

resolution of Congress, and tend to mislead the people so addressed.

The New York Council of Safety took measures to immediately put in circulation through the New Hampshire Grants said resolution of Congress, and James Clay was employed for that purpose. The Council of Safety of Vermont on August 10, 1777, caused said Clay to be arrested for the distributing said resolves through the District and for notifying the County Committee of Cumberland County to meet again acting under the State of New York contrary to the resolves of June, 1777.

On September 4, 1777, John Sessions wrote John McKesson, Esq., Secretary of the New York Convention, that it gave him peculiar satisfaction that their "affairs have been upon the carpet of Congress—but it by no means answers the end to stop the progress of the faction respecting the new State."

On February 23, 1778, the State of New York, by George Clinton, issued a proclamation, setting forth at length again, in substance, that the cause of the disturbance in the New Hampshire Grants in the four Counties of Charlotte, Cumberland, Gloucester and Albany was the disputes growing out of the conflicting land titles under patents or grants issued from the respective governments of New York, Massachusetts Bay and New Hampshire, and therein made overtures to the inhabitants of these four Counties to induce them to voluntarily submit to New York, viz: All prosecutions against them be discharged; all persons pos-

sessing and improving lands under grants from New Hampshire and Massachusetts Bay, not granted under New York, should be confirmed in their possession; all persons improving lands not granted by either government should be confirmed in their possession; persons in possession of lands granted by New Hampshire and Massachusetts Bay, but granted afterwards by New York, shall be confirmed under the prior grant; in case of disputes as to titles, not provided for in the proclamation, the New York Legislature should provide rules of justice and equity for the determination of the dispute; that in cases where confirmations were necessary each grantee should pay five pounds for each 300 acres or under, and additional sums for additional lands; and then provided for reducing quit-rents.

These overtures should be of no avail to any persons who yielded or acknowledged any allegiance to the pretended State of Vermont after May 1, 1778. The sympathizers of New York living on the Grants continued to make their complaints and prefer their petitions to the New York Assembly and to Governor Clinton setting forth that their property was from time to time taken from them or destroyed by the Green Mountain Boys, and that they were cruelly treated if they acted as obedient citizens of New York or defied the authority of the pretended State of Vermont.

Samuel Minott in his petition of May 4, 1779, said they "were in hopes that the disaffected party would not have reduced them to the disagreeable necessity of applying for protection, dur-

ing the continuance of the war with Great Britain, but our present circumstances loudly demand the speedy and effectual execution of the promise made by the Legislature; we shall otherwise be compelled to obey a government which we view as an usurpation, and add our strength to oppose one which we conceive entitled to our dutiful obedience and support."

Governor Clinton wrote from Kingstown on May 14, 1779, to Samuel Minott from whom he had previously received information as to the condition of affairs in the north-eastern part of New York. Governor Clinton stated he had received Minott's petition and a lettter from Colonel Patterson on the subject of the unhappy disturbances which prevailed in that part of the State, and said he had anxiously expected the determination of Congress upon that important matter, and had every reason to believe it would be favorable to the State of New York, and he would urge every argument in his power to induce them speedily to determine the controversy and by a seasonable interposition prevent, if possible, the dreadful consequences of having recourse to arms. And recommend the adherents of New York, residing in that disturbed territory, "firmness and prudence, and in no instance acknowledge the authority of Vermont, unless where there is no alternative left between submission and inevitable ruin. * * * If I should discover that any attempt will be made by Vermont to reduce you by force of arms, I will instantly issue my orders to the militia who are properly equipped, and who will be led against

the enemies of the State whoever they may happen to be."

Governor Clinton on May 18, 1779, wrote to John Jay, President of Congress, that matters in the Grants "are fast approaching to a very serious crisis which nothing but the immediate interposition of Congress can possibly prevent." And said that the Legislature had from time to time made promises of protection to those who had preserved their allegiance to New York, but they will not much longer be content with mere promises.

Samuel Minott wrote to Governor Clinton from Brattleboro, May 25, 1779, "that Colonel Ethan Allen, with a number of Green Mountain Boys, made his appearance in this County yesterday, well armed and equipped for the purpose of reducing the loyal inhabitants of this County to submission to the authority of the State of Vermont, and made prisoners of Colonel Patterson, Lieutenant Colonel Sargeant and all the militia officers and a number of other persons. Allen declared he had 500 Green Mountain Boys with him. He treated the people here with the most insulting language, assaulted and wounded several persons with his sword without the least provocation, and bids defiance to the State of New York, declares they will establish their State by sword, and fight all who shall attempt to oppose them." And asked for speedy relief. "Otherwise," he said, "our persons and property must be at the disposal of Ethan Allen which is more to be dreaded than death with all its terrors."

On May 29, 1779, Clinton wrote to the New York delegation in Congress that the "Vermont business had arrived at a crisis," and that he should issue orders to make arrangements for marching to repel the outrage at Brattleboro, and that he should feel it his duty to order the 1000 men destined for the defense of the frontiers unless the interposition of Congress shall render the measure unnecessary.

On June 1, 1779, John Jay wrote Governor Clinton from Philadelphia "that it was the design of Congress to send a Committee to the inhabitants of the Grants to inquire into the reason why they refuse to continue citizens of the respective States which heretofore exercised jurisdiction over that district, and to take every prudent measure to promote an amiable settlement of all differences and prevent a division and animosities so prejudicial to the United States." Congress appointed as such Committee, Oliver Elseworth and Jesse Rood of Connecticut, Timothy Edwards of Massachusetts Bay, Doctor Witherspoon of New Jersey and Colonel Atlee of Pennsylvania.

Governor Clinton wrote to the President of Congress June 7, 1779, and said it was with astonishment and concern that he observed that Congress had passed over in profound silence the remonstrance on the seizure and imprisonment of the principal officers of government in the County of Cumberland, by the revolters; that the resolutions of Congress appointing a Committee to confer with the revolted citizens, will not produce the salutary effects required and would not be satis-

factory to New York, and hinted that a breach might ensue betwixt the Legislature and the general Congress.

He also wrote to General Washington June 7, 1779, a letter complaining that his State had not been fairly treated by Congress, and requested Washington to return to New York six brass pounders together with their apparatus which the State lent for the use of the army in 1776, or in case of loss, to replace them, and informed him that the flour that the Legislature had authorized him to collect would be wanted to support the authority of the State, and might not be able to fill up the Continental battalions by draft from the militia. He seemed to be more inclined to fight the inhabitants of the Grants than the common enemy.

The Committee appointed by Congress to bring about a settlement of the differences between New York and the inhabitants of the New Hampshire Grants, submitted to Governor Chittenden a long list of questions, the answer to which might throw light upon the controversy. One question was, "Are you satisfied that the proclamation by Governor of New York would secure your property in the soil though the jurisdiction were allowed?" Governor Chittenden's answer was: "By no means, as it is only a shadow without any substance, and calculated to answer sinster purposes which is implied in his second proclamation, viz: that all such lands which have heretofore been granted by the government of New Hampshire or Massachusetts Bay and

have not been since granted by the government of New York, the words, 'and have not since been granted by the government of New York,' wholly exclude the most valuable lands in this State; including that which is in actual possession, as the State of New York has since made grants of the same lands—and I presume to say it is not in the power of the Legislature of New York to confirm those lands, being previously granted to others. There are sundry other passages in the same proclamation equally insufficient and dissatisfactory."

Another question was: "If the property of your lands were perfectly secured to you would your people be willing to return under the jurisdiction of New York?" Answer: "We are in the fullest sense as unwilling to be under the jurisdiction of New York as we can conceive America would to revert back under the power of Great Britain." Another question was; "What was the occasion of Colonel Allen's proceeding by arms to take and confine sundry officers in Cumberland County, who professed to be subjects of the State of New York?" Answer: "Colonel Allen proceeded into Cumberland County under the direction of the civil authority of this State (Vermont) to assist the Sheriff in the execution of his office."

Governor Chittenden stated in his communication to the Committee that he believed he was warranted in saying in behalf of the people of his State that they would be happy to submit the differences between the two States to the determination of Congress if allowed equal privileges with New York in supporting their cause, reserving all

rights, privileges, immunities and advantages which they had or might have by any former grants, jurisdictions, powers and privileges on account of any province or state heretofore had, notwithstanding any subsequent transaction.

On July 23, 1779, a petition signed by Samuel Minott, Chairman of a Committee of ten towns from the County of Cumberland, was sent to Congress, setting forth that in some instances the government of New York had been oppressive to the inhabitants of New Hampshire Grants, but now they were willing to redress any wrongs as soon as pointed out. The petitioners stated that now they "are in the fullest sense as unwilling to be under the jurisdiction of Vermont, as we can conceive America would be to revert back under the power of Great Britain, and they should consider their lives and properties equal insecure." And asked Congress as speedily as possible to restore peace to them.

On August 27, 1779, the New York Legislature instructed their delegates in Congress to "entreat once more the mediation of Congress" in the settlement of the controversy with Vermont, they having been informed that a quorum of the Committee appointed by Congress had never met. They stated to their delegates, "that they were persuaded their successful efforts to expel a foreign tyranny would avail them little while they remain subject to the domestic usurpation; that the pretended Legislature of Vermont has already confiscated and are now disposing of estates of persons who have joined the enemy and probably

will soon proceed to grant the unappropriated lands—by these means they raise money for the support of their government and obtain a great and daily accession of strength, not only by an additional number of settlers, but every other purchaser will be interested to maintain an authority upon which their title depends. These proceedings also will increase the confusion, and render the restoration of peace at a future day more difficult as they bear no share in the present burthens; that that part of the country is become an asylum for all persons who wish to avoid military duty or the payment of taxes; and numbers are daily emigrating thither influenced by this motive." They stated to their delegates that if they should be disappointed and Congress decline to interpose as they had proposed, they should direct Mr. Jay, to whom they had especially committed the business, to immediately withdraw.

Congress on September 24, 1779, discharged the Committee that had been appointed to inquire into the reasons why the inhabitants of the Grants refuse to continue citizens of the respective States which had exercised jurisdiction of the disputed District, and Congress took the whole matter under their consideration, and in substance stated, that whereas disputes were subsisting between New Hampshire, Massachusetts Bay, New York and the district called New Hampshire Grants: Resolved, that it is earnestly recommended to the said three States to pass laws authorizing Congress to hear and determine all differences between them relative to their respec-

tive boundaries and disputes which they may have with the people of said District relative to jurisdiction or disputes between grantees of lands lying in said District. Congress resolved unanimously to proceed on February 1st, 1780, with the hearing relative to the jurisdiction and requested each party interested to prepare for a hearing. And resolved that it was their duty to let all matters in dispute remain in *statue quo* till the controversy was determined by Congress.

On September 21, 1779, Charles Phelps, who had been sent to Philadelphia to look after the interests of New York in the controversy with Vermont, addressed a long, effusive communication to the Legislature of New York stating how he had used his influence among the members of Congress to attach them to the cause of New York, and how he had opened the subject of their grievances to the members, and that they had told him that it was "high time Vermont was broke up." But he said "some of the delegates of Congress think more favorably of Vermont * * * and would be heartily glad they were established a separate State." He said "I endeavor to induce them to believe the truth which is that if Congress don't immediately interpose there will be a great effusion of blood as soon as I get home."

In February 1780, Phelps addressed a long letter to Governor Clinton seeking his influence with the New York Legislature for the payment of his services and expenses in behalf of the State while at Philadelphia. He claimed his services were "in behalf of this patriotic State in a matter of so

much importance to the justice, the sacred rights of jurisdiction, the emolument and lasting tranquility of this whole State, against the lawless and treasonable pretended dominion of such contumacious, most violent, insulting, headstrong and ferocious people of Vermont, risen up in the woods among the mountains, snatching at the helm of government, wrenching the sacred and awful scepter thereof out of the hands of those who were lawfully commissioned to wield it, to the infinite prejudice of the people of the whole State, and in contempt of the authority of Congress and to the whole magistracy of this, and in its consequences to that of the whole in United States."

On June 12, 1780, Micah Townsend on behalf of some of the inhabitants of Cumberland County who had suffered by the disturbances then prevailing in the eastern district of New York made application to the New York Legislature for compensation for injuries and losses suffered by the State not protecting them,—the State Legislature having pledged its faith in February 1778, to protect its inhabitants in the Counties of Albany, Charlotte, Cumberland and Gloucester in their persons and estates. Other parties made their petition to the Governor and the Legislature, from time to time, to get relief from their distressed condition and compensation for losses sustained, sacrifices made, and for suffering, tortures, banishments, imprisonments in loathsome gaols endured and for having been half starved and threatened with being put to ignominious deaths.

Judge Robert Yates of Albany wrote to Governor Clinton February 24, 1782, that the Legislature of the pretended State of Vermont had relinquished their jurisdiction over the Eastern and Western Unions, and that he had issued his mittimus against a number of those who had supported Vermont in their usurpation, and had them in custody, three charged with holding military commissions under the pretended State of Vermont, seven for having by force of arms opposed the government and authority of the State of New York, one for having accepted and exercised the office of Grand Juror under the pretended State of Vermont, and one for having accepted the office of Constable under the pretended State of Vermont.

In March 1782, many of the people then residing in the West Union in the towns of Cambridge, Grandville and White Creek, who had given their allegiance to Vermont and had submitted, as they claimed, reluctantly to Vermont authority, now that the Union had been dissolved and the protection of Vermont withdrawn from the inhabitants of that section, petitioned the Governor and the Legislature of New York to pardon them of their transgressions, and restore them to their former privileges.

As late as September 27, 1782, Governor Clinton wrote to the Convention held in Cumberland County, "that he had reason to believe that Congress will immediately interpose and exert their authority for their relief and protection."

On March 1, 1786, the Senate of New York

took into consideration the petition of Timothy Church, Major William Shattuck and Major Henry Evans in behalf of themselves and other inhabitants of Cumberland County, and reported that the petitioners having been deprived in a great measure of the means of subsistence, and having become odious to the present government of the assumed State by reason of their supporting the laws of New York in said County, are unable to continue longer therein without the greatest inconvenience to themselves and families, and are desirous of removing immediately into the western part of New York, providing they can procure vacant lands fit for cultivation; that they have a claim on the State for some compensation for their sufferings and losses.

The Senate then resolved that the Legislature during their then present meeting grant them "a quantity of vacant lands equal to a township eight miles square." The House concurred in the resolution. About 136 persons were allotted lands under said resolution in a township in the County of Chenango, N. Y. The differences between New York and Vermont were afterwards settled, and the boundary between the States agreed upon and determined, the particulars of which settlements were fully stated in the former volume. The thirty thousand dollars that Vermont paid to extinguish the claim of New York to the land that fell into the jurisdiction of Vermont, and in settlement of the controversy was divided between seventy-six claimants and their representatives. Goldsrow Banyar received the largest sum, it being $7218.94 and William Giles the smallest sum, it being $5.49.

CHAPTER XVII.

THE SABBATH, ITS RELIGIOUS OBSERVANCE AND PRIVILEGES IN THE EARLY DAYS OF VERMONT.

The religious belief, the strict Sabbath observance and the manner of worship, as well as the intolerance of the early settlers of Vermont were of the Puritan type, and were to a large extent derived from the early Colonial people of New England. As a matter of fact the early settlers of Vermont were emigrants from Massachusetts, Connecticut and Rhode Island, and they brought their manners, customs and religious sentiments with them. The Puritans of New England left the Old World for America to get rid of the religious persecutions to which they were subject, but when they got fairly established here, and had become prosperous and powerful, they also became intolerant.

A description of the early meeting-houses and their furnishings, the length of the service and the manner of conducting it, and keeping order, the authority the church assumed or actually had throughout early New England, would be an apt description of the service and church matters among the people in the early days of Vermont.

In each successive town settlement where there were sufficient numbers to support church service,

the new community built a house for the public worship of God. It was called a meeting-house and not a church. In the Puritan's way of thinking the church worshipped in the meeting-house and he was opposed to calling it a church, and opposed to calling the Sabbath Sunday—but chose, rather, to call the day the Lord's Day. At an early day in Massachusetts it was enacted that a meeting-house should be erected in every town, and if the people failed to do it, the magistrates were empowered to build it at the expense of the town. The meeting-houses were built of logs and the chinks filled with clay. At an early day in Vermont, meetings in some places were held in barns. It was considered a great advance and a matter of proper pride when settlers had the house lathed and plastered.

The first meeting-house in Dedham was but 36 feet long, 20 feet wide and 12 feet high "in the stud." The next improved type was a square wooden building, unpainted, either inside or out, with a belfry. The first meeting-houses were built in the village, with dwelling houses clustered around them. In some parts of New England the Colonists were required by law to build their dwelling houses within one half mile of the meeting-house. But as the community grew, the houses became too closely crowded for the uses of a farming community; their farms became too far from their dwellings, and wood and water had to be taken at too great a distance, and it became inconvenient. As the country grew older the Indians were not so troublesome and there was not

the necessity of remaining in a closely compact community as formerly, and the new-coming settlers built on outlying and remote land.

When the town had become quite generally settled and people had built upon the scattered farms, the meeting-houses, to accommodate the whole township, were located near the center of the population, and often on an elevated location for various reasons: viz., because the meeting-house was a watch-house from which to keep vigilant lookout for the approach of hostile or sneaking Indians; the house and its steeple were a land mark and a guide on earth, as it could be seen for miles around by travelers journeying through the woods; our New England ancestors loved a "sightly location" for their meeting-house.

Travelers through Vermont, at the present time, may observe some of those old meeting-houses, still standing, but deserted by both the congregation and minister, or the building has fallen and nothing can be seen but the foundation stones that mark the spot where religious services were once held. And near by the spot may be seen the neglected grave yard with its fallen head stones where tall grass, the blackberry bushes and the wild cherry tree flourish.

In an early day the church raising was a great event in town. Each citizen was forced by law to take part in or contribute for "raising the meeting-house." Not only logs, lumber, nails, use of horses and men's labor were contributed, but a barrel of rum was regarded as a necessary article in the raising of the meeting-house. In A. M.

Earl's work on the New England Sabbath, she says, that when the Medford people built a meeting-house there were provided "for the workmen and bystanders five barrels of rum, one barrel of good brown sugar, a box of fine lemons and two loaves of sugar."

As late as the seventeenth century oiled paper was used instead of glass in the windows to admit the light; curtains and window shades were in those days unknown. Sometimes the houses were gloomy; a parson preaching in one of them on the text, "why do the wicked live?" said, as he peered at his manuscript in the dim light, "I hope they will live long enough to cut this great hemlock tree back of the pulpit window." Notices of various kinds were posted on the meeting-house door as the most conspicuous place to attract the attention of people. A man who should bring a living wolf to the meeting-house was paid by the town 15 shillings, and if dead 10 shillings, and if he wished the reward he must bring the dead wolf's head and nail it to the meeting-house and give notice thereof. Prohibitions from selling guns and powder to the Indians, notice of town meetings, intention of marriage, copies of laws against Sabbath breaking, warnings of vendues, sales and lists of town officers were posted on the meeting-house doors through New England, including Vermont.

On the meeting-house green stood the Puritanical instruments of punishment, the stocks, whipping-post, pillory and cage. These instruments of punishment were used through New England

till sometime in the 19th century. The pillory was used as a means of punishment in Boston, Massachusetts, until 1803. In an early day no stoves or fireplaces were allowed in the meeting-house; the people had to depend on their clothing, the foot stove for women, and the love of God, to keep them warm. Before stoves or fireplaces were allowed in the church and before the Revolutionary War, a closet in the meeting-house was used for the storage of powder, and grain that was designed for the minister were stored in the loft of the meeting-house. And other people were allowed to store grain there; and in Connecticut the church loft was used to cure tobacco leaves.

At a later day when the people got to be a little more prosperous the high, large, square house was built with gallery upon three sides. The pulpit was built on the fourth side from seven to ten feet high from the floor, to which a narrow flight of stairs led; sometimes the stairs were built up in the vestibule to a door in the wall between the vestibule and the body of the house through which the minister entered into his pulpit.

For many years after the settlement of New England the Puritans went armed to meeting and gun loaded; they were expressly forbidden to fire off their charges at any object save an Indian or a wolf. Trumbull writes the following verse, viz:

"So once, for fear of Indian beating,
Our grandsires bore their guns to meeting,—
Each man equipped on Sunday morn
With psalm-book, shot, and powder-horn,
And looked in form, as all must grant,
Like the ancient church militant."

In Massachusetts and Connecticut the law provided that a certain number should go to meeting armed. In 1642, in the former Colony, six men with muskets and powder and shot were thought sufficient for the protection of each church. In Connecticut a law was passed in 1643, that any one required to go armed to meeting, neglecting to do so, should forfeit twelve pence for each offense. In 1644, a fourth part of the trained band was obliged to go armed to church each Sabbath, and the sentinels were ordered to keep their matches constantly lighted for use in their matchlocks, and to wear an armor, which consisted of "coats basted with cotton wool, and thus made defensive against Indian arrows." The details of defense were carefully looked after; bullets were made common currency at the value of a farthing, in order that they might be plentiful and in every one's possession.

In Concord, New Hampshire, the men, who came armed to meeting, stacked their muskets around a post in the middle of the church, while the honored pastor, who was a good shot and owned the best gun in the settlement, preached with his treasured weapon in the pulpit by his side, ready from his post of vantage to blaze away at any red man whom he saw sneaking without, or to lead, if necessary, his congregation to battle. The Maine Indians were so bold the church at York felt it necessary to retain the custom of carrying arms to the meeting-house until 1746. In those days when the church services were ended the men rose and left the house before

the women and children to insnre the protection of the women and children, and for the same reason it was thought necessary for the men to sit at the head of the pew, a custom that is not heeded or necessary now.

In some parts of New England the people were gathered together or warned to meet at the proper hour on the Sabbath by various warning sounds: in Haverhill the settlers were warned by the ringing toot of the horn; the Montague and South Hadley people were notified of the hour of assembling by the blowing of a couch-shell. The drum was often used as a signal for gathering for public worship. In Norwalk the drum was beaten until 1704, when the church got a bell. In 1638, a platform was made upon the top of the Windsor meeting-house on which to walk to sound a trumpet or drum to give warning for meeting. Sometimes three guns were fired as a signal for church-time. In Plymouth in 1697, the selectmen were ordered to procure a flag to be put out at the ringing of the first bell and taken in when the last bell was rung. The first bells, for lack of bell towers, were sometimes hung on trees beside the meeting-house. These modes of calling the people together for public worship did not obtain to any great extent in Vermont.

In the first meeting-houses in Vermont and in all New England, the seats were uncomfortable benches which were made of simple rough planks placed on legs like milking-stools, with no rests for the back, but when the communities grew wealthy, spots for pews were sold; the influential or rich

would sit in a group together, and finally a family would have their own family pew, that was oblong or square and usually unpainted, but the owner was at liberty to paint his own pew to suit his taste and used such wood as he saw fit in constructing it, and used his own discretion in its style and finish, which resulted in much diversity and incongruity. The pews were the individual property of the members who built them and not common property. This is different from what is now held. The law now simply gives the owner of the pew the exclusive right of its occupancy.

In the time of the early settlements the back of the pews were very high, coming up nearly to the head of the person sitting in them. It is recorded in the records of the Haverhill church that persons might build pews in the house, "provided they would not build so high as to damnify and hinder the light of them windows." The floor of the pews were several inches above the floor of the alleys. The benches and pews were never cushioned. It is a matter of tradition that one Colonel Greenleaf caused a nine days talk in Newbury town, Massachusetts, at the beginning of the 19th century, when he cushioned his pew." The name of the owner of the pew frequently was painted on the pew door and the door fastened by a wooden button.

Men frequently stood up for a time during sermon time to rest their cramped up legs. It is stated in A. M. Earl's book that while Deacon Puffer of Andover, Vermont, was thus standing leaning against the pew-door the wooden button

gave away under his weight and he sprawled on all-fours, with a loud clatter, into the middle of the aisle, to the amusement of the children, and the mortification of his wife. And thus it may be seen that diversions were frequent in meeting in those days.

The important duty of "seating the meeting-house," fell upon a dignified and influential committee. The order of the seating is well described in the lines written by Whittier, viz:

> "In the good house of worship, where in order due and fit,
> As by public vote directed, classed and rauked the people sit;
> Mistress first and good wife after, clerkly squire before the clown,
> From the brave coat, lace embroidered, to the gray frock shading down."

In some churches the seating committee made a list of the attendants and the seats assigned to each, which was read in church and nailed to the door, and every person should take the seat assigned them, and if any should act contrary to the order of assignment they were to be reproved by the deacons, and for a repetition of the offense pay a fine. Sometimes the fine imposed was very severe. Two men of Newbury, Massachusetts, were in 1669, fined twenty-seven pounds and four shillings each for that offense. In the Puritan meetings as well as in Quaker meetings, men sat on one side of the meeting-house and women on the other and entered the house by separate doors. On one side of the pulpit a square pew was assigned to the minister's family. Seats in the gallery were regarded in the early churches as the

most exalted, in every sense, in the house, except the dignity-bearing foreseat and a few private pews.

The matter of seating was a great source of disappointment, jealousy, offended dignity and unseemly pride. This contention resulted in "dignifying the meeting," which was to make certain seats, though in different parts of the house, of equal dignity. In the matter of "seating the meeting-house," age, office, military service and the amount paid towards building the house, counted. This custom of seating extended well into the 19th century. After a while the practice of selling the pews at vendue was gradually adopted, which served to allay much unpleasant feeling.

The first religious services ever held within the bounds of the territory now called Vermont, was held at Fort St. Anne about the year 1666, on the Isle La Motte. It is said that the French viceroy in Canada, De Tracy, detailed Captain Pierre de St. Paul Sieur de La Motte with a force of 300 men to establish a military post on the island. This fort built by the French was garrisoned by them for some twenty years and was often visited by the Catholic fathers; religious services and communion were held there during that period. The Catholic historian, O'Shea, says, that the chapel in Fort St. Anne was the first erected in Vermont, and one of the first Roman Catholic chapels erected in New England.

The next religious services held in the territory now called Vermont, were at Fort Dummer. This

Fort was on the meadow, between Venter's Brook and the Connecticut River, now a part of the town of Brattleboro. It was a block house built on the west bank of said river, by Sir William Dummer, then Lieutenant-Governor and acting Governor of the Province, then embraced within the limits of Massachusetts Bay. This fort was begun February 3, 1724. Timothy Dwight of Northampton was the first commander and he superintended its building. It was built of native pine.

Dwight wrote Governor Dummer they would live a heathenish life unless a chaplain be allowed, and gave as one of the advantages of having a chaplain that there would "be an opportunity to Christianize the Indians." Rev. Daniel Dwight was nominated and approved as chaplain and was allowed 100 pounds as salary. Timothy Dwight, the commander, became through a son born at the Fort Dummer, grandfather of the first President Dwight of Yale College. In 1730, Rev. Ebenezer Hinsdell was made chaplain of the fort and the Indians came to the fort to hear him preach on the Sabbath. Rev. Andrew Gardner afterwards became chaplain at the fort.

The garrison had become derelict and careless, resulting in several disastrous surprises to parties in various directions from the fort, causing great alarm and discouragement; thereupon, Chaplain Gardner on Sunday, July 17, 1748, preached from the text, "If thou shalt not watch, I will come on thee as a thief, and thou shalt not know what hour I will come upon thee." He was the last chaplain at the fort. The first church in Benning-

ton was organized in 1763, with Rev. Jedediah Dewey as pastor. Preaching services were begun at Westminster in 1766, and at Brattleboro in 1768.

In the early days of Vermont the building of houses of worship and the support of the minister was not left to the option or discretion of each individual in the town or parish as is now the rule, but they were compelled by law to contribute for such expense and support.

The General Assembly at its October session of 1783, held at Westminster, enacted in substance that it was the duty of the parish clerk on the application of seven freeholders of the parish or town to warn a meeting of the legal voters, to appoint a place of public worship of God, fix on a place of building a house and vote a tax sufficient to defray the expenses of building; and also to agree with a minister to preach in the town or parish, and vote him a settlement in money, all to be assessed on the polls and rateable estate within the limits of the town or parish. If there were persons in the town or parish who were of different religious sentiment from the prevailing or ruling church in the town or parish, who desired to escape taxation, it was provided by the act that such persons should bring a certificate, signed by some minister of the gospel, deacon or elder, or a moderator in the church or congregation to which they pretended to belong, that they were of different persuasion. Until such certificate was shown to the clerk of the town or parish such persons should be subject to be assessed on their polls or rateable estate, with the majority.

Whether wise or unwise, the statute and the sentiment of the people were very strict on the observance of the Sabbath. The General Assembly at its February session in 1779, enacted in substance, that no person shall upon land or water, do or exercise any labor, business or work (except works of necessity and mercy) nor engage in any game, sport, play or recreation, on the Lord's Day, or day of public fasting and thanksgiving, on pain, if convicted thereof, of forfeiting not exceeding the sum of ten pounds. And any person found guilty "of any rude, profane or unlawful behavior on the Lord's Day, either in words or action, by clamorous discourse, or by shouting, hollooing, screaming, running, riding, dancing, jumping, blowing of horns or any such like rude or unlawful words or actions in any house or place, so near to or in any public meeting-house for divine worship that those who meet there may be disturbed," shall incur the penalty of forty shillings for every such offense, and be whipped on the naked back, not exceeding ten stripes, nor less than five.

Nor shall any person drive a team or droves of any kind, or travel on said day (except on business concerning the then present war, or by some adversity they were belated, and forced to lodge in the woods, wilderness or highways the night before, and in such case travel no farther than the next inn or place of shelter on that day) on the penalty of forfeiting not exceeding ten pounds. And the act further declared, "nor shall any person keep or stay outside of the meeting-house,

during the time of public worship, nor unnecessarily withdraw themselves from the public worship &c. on the penalty of paying a fine not exceeding three pounds. And if any number of persons shall convene and meet together in company or companies, in the street or elsewhere, on the evening next before or after the Lord's Day, and be convicted thereof, shall be subject to the same penalty."

It was further provided that the grand-jurymen and tithing-men, and constables of each town, shall carefully inspect the behavior of all persons on the Sabbath and due presentment make, of any profanation of the worship of God on the Lord's Day or any day of public fast or thanksgiving, to the authorities, and if convicted of any profanation they were subject to be publicly whipped not exceeding twenty strips. Where minors were guilty of such offenses, their parent or guardian might administer the proper punishment, and if they failed to do it they were subject to be fined themselves. The officers and tithingman were required to restrain all persons from unnecessary walking in the streets or fields, swimming in the water, keeping open their shops or following their occupation or recreations, in the evening preceding the Lord's Day or in the evening following. No appeal was allowed under the act from any conviction.

In the days of the tithing-man he was prominent in connection with public worship, and was both feared and hated by the uneasy and fun-loving boys and girls and sleepers during the church

service. The appearance and action of the tithing-man in a church in the present age would be ludicrous indeed; it would seem out of place to see him with his wand of office, fringed at one end with a dangling fox-tail and the other end fitted as a sharp goad, strutting through the house, peering around, prodding and rapping the restless boys, and waking the drowsy sleepers. Some of the Colonial sleep banishers were equipped with a long staff, heavily knobbed at one end with which he severely rapped the heads of the sleepy men, and from the other end of the staff depended a fox tail or a hare's foot, which he softly thrust into the faces of the sleeping women that startled them into wakefulness. One tithing-man in his pious ardor applied the wrong end, the end of the heavy knob, to a drowsy matron's head, for which he was severely cautioned by the ruling elders to use "more discresing and less haist."

A. M. Earl relates an instance where Roger Scott of Lynn, in 1643, struck the tithing-man who thus roughly and suddenly wakened him, who for the act was soundly whipped, as a warning both to keep awake and not to strike back in meeting. And another case of an old farmer by reason of a hard days work the day before had fallen asleep, was hit by the tithing-man, but not wholly awakened. The bewildered farmer sprung to his feet, seized his wife by the shoulders and shook her violently, shouting at the top of his voice, "haw, back! haw, back! stand still will ye?" The ministers urged the tithing-men to faithfully perform their allotted work.

It was a common thing in an early day through Vermont and all New England for the minister to make pointed remarks in a loud voice to awaken those who were asleep. Mr. Moody of York, Maine, to awaken sleepers in his meeting, shouted, "fire, fire, fire!" and when the startled, sleepy men jumped up, calling out "where?" the minister roared back, "in hell, for sleeping sinners." Some ministers called to their sleeping parishoners by name to "wake up." A church attendant of considerable dignity and standing on being thus spoken to immediately answered back, "mind your own business, and go on with your sermon."

The tithing-men were men of authority not only on the Sabbath, but during the week to see to it that the children in their neighborhood learned their catechism, and reported whether all the members of the several families attended public worship, gave in the names of "idle tipplers and gamers," and warned tavern-keepers to sell no more liquor to any toper who was drinking too heavily. He warned all new comers out of town. In Vermont this warning-out process was by virtue of the early statute law of the State. This was done by the Constable serving notice on the new comer. This notice was not because the new comers were objectionable or undesirable, necessarily, but was simply a legal form of precaution, so that if they became paupers, standing in need of relief, the town could remove them on legal process to the town from which they came and throw the burden of their support upon the latter town.

The tithing-man watched to see that no young people walked abroad on Saturday evening, he reported all those who stayed at home or profanely behaved or lingered without the doors at meeting time on the Lord's Day. The latter class if they did not heed the warning of the tithing-man, were "set in the stock or cited before the Court, or confined in the cage, constructed for the purpose, on the meeting-house green. The tithing-man could arrest any person who walked or rode at too fast a pace to and from meeting. A. M. Earle relates an amusing instance, viz: Two young men who were driving through the town on the Sabbath were stopped by the tithing-man; one of the offenders gave as an excuse for his Sabbath travel, "my grandmother is lying dead in the next town" and hence was allowed to drive on; when at a safe distance, he stood up in his wagon and shouted back, "and she has been lying dead in the grave yard there for thirty years."

It is no great wonder that the young people were restless in church and sought opportunities to be absent during the service, and that the hard working elderly people fell asleep during the services, when we remember the great length of the sermon and their prosy character, some of which would run up to the "twenty-eighthly." The sexton or clerk sat near the desk to turn the hour-glass as often as the sands ran out, which was to remind the clergyman how long he had preached, but he seldom took the hint to bring his sermon to an end. The prayers of the minister were long. It is said that a Dr. Lord always made a prayer

one hour long. Long prayers were highly esteemed. A poor gift in prayer was treated as a short-coming.

A. M. Earl says, that "everywhere in the Puritan church, precatory eloquence as evinced in long prayers was felt to be the greatest glory of the minister, and the highest tribute to God." The congregation had the custom of standing in prayer-time, until quite a recent date. Sermons that took two hours to deliver were frequent, and ministers did not approve, in those early times, of having their time for sermonizing cut short. In the early years of the 19th century an old Scotch clergyman in Vermont, bitterly and fiercely resented the establishment of a Sunday School, for the children, which was proposed by some progressive parishioner during the nooning; and this parson craftily and somewhat maliciously prolonged his morning sermons to shorten the time of the nooning and thus crowd out the Sunday School.

This Vermont congregation, after enduring for two or three years the tedious three hours of the first preaching service of the day, arose in a body and crowded out the prolix preacher and established the Sunday School. This parson sullenly spent the noonings in the horse-shed that he might not be at the Sabbath School service.

One peculiarity of the meeting-house at an early period in Vermont, and in Colonial days throughout New England, was, it was destitute of any warming apparatus in winter. The long, tedious services must have been hard to endure in

the unheated churches during the cold winter weather. Judge Sewall made record in his diary of the fact that came under his observation in the early days of Massachusetts Bay, that "the communion bread was frozen pretty hard and rattled sadly into the plates." This hints at the comfortless church-life of our ancestors.

Rev. Mr. Wigglesworth preached on the text, "Who can stand before His cold?" Then by his own and his people's sickness three weeks passed without public worship; then on February 20, he preached from these words: "He sends forth His word and thaws them." And the next day the thaw set in, and it was regarded as a direct answer to his prayer and sermon. People now-a days, except the superstitious, would suggest that he chose well the time to pray for milder weather. Some ministers preached with their hands cased in woolen or fur mittens or heavy knit gloves, and wore in the pulpit in the bleak meeting-houses a long camlet cloak, and covered their heads with skull caps.

It makes one shiver to think of those gloomy and cold churches that grew colder as the winter advanced and until they bore the icy chill of death itself. One cannot but believe that the practice of sitting through the long winter service was the cause of much of the New England consumption. In the severe winter weather the women carried to meeting little foot stoves, being tin or metal boxes which stood on legs and were filled with hot coals at home, and replenished them during the day from the hearthstone of a neighboring farm house

or from the noon-house. The children would sit around their mother's foot stove on their low crickets, warming their half frozen fingers.

In some places foot stoves were forbidden to be taken to the church for fear of setting the house on fire. In one town in 1792, it was ordered that no stoves be carried into the new meeting-house with fire in them, which left the women of that town, Hardwicke, to contrive some other way to keep their feet warm, as appears from the following lines, viz:

"There to warm their feet
Was seen an article now obsolete,
A sort of basket tub of braided straw
Or husks, in which is placed a heated stone,
Which does half-frozen limbs superbly thaw,
And warm the marrow of the oldest bone."

Some people made fur bags of coarse skins into which worshippers thrust their feet for warmth. In some communities it was a custom for each family to bring, on cold days, their dog to church to lay at his master's feet to keep them warm, but after a time they became such a nuisance that a dog whipper was appointed to serve on Sundays, to drive out the dogs. The first church of Boston was the first New England congregation, except the church in Hadley, to have a stove for heating the meeting-house; this was in 1779. In 1783, the old South Church of Boston introduced the stove which brought out in the Evening Post of January 25, 1783, the following lines, viz:

"Extinct the sacred fire of love,
Our zeal grown cold and dead.
In the house of God we fix a stove
To warm us in their stead."

The settlements in Vermont and other New England communities followed this innovation and warmed their churches by stoves, though with great misgivings in some localities. Samuel Goodrich has given his recollections of the sufferings endured by the wife of an anti-stove deacon. It shows how imagination affects some people. After the stove had been set up in the church, she came in and swept by the unwelcome intruder with averted head into her pew. She sat through the service growing paler with the supposed unaccustomed, unhealthy heat from the stove, till she fainted. She was carried out of church and upon recovering said languidly that "it was the heat of the stove," when she was informed that no fire had been built in the new stove.

Many amusing instances are related of the opposition to the introduction of the stove with which to suitably warm the church. The stern, pleasure-hating Puritan left their English homes and native land for the love of God and the freedom of conscience to come to the wild, barren and unwelcome shores. They endured with fortitude and with seeming satisfaction personal discomforts and contempt of luxury, and it took nearly two hundred years of gradual softening and modifying of character to prepare their minds for so advanced a reform and luxury as proper warmth in meeting- houses.

The noon-house was a long, low building with a rough stone chimney at one end. The end next the chimney was used as a place of refuge in the winter time at the noon interval between the two

services by the suffering members of the pious congregation who found there in front of the huge fire place the necessary warmth that could not be had in the meeting-house, and where they enjoyed their noon day meal brought from their respective homes, consisting of bread and cheese, doughnuts, pork, peas and pie. Horses were kept in one end of this house to shelter them from the storm and cold. The noon-house continued to be used in some parts of New England till after the Revolution and until the commencement of the 19th century.

The common horse sheds were not built to any considerable extent till a later date. The boys, even in the noon-houses were not allowed to talk or play. Some old patriarch even then, would explain to them the notes that he had taken during the morning sermon. It hardly seemed fair to cheat the boys of their noon-time rest and relaxation, and compel them to listen to another long exposition of the Scripture from an unlearned expounder.

In many communities the noon-houses were to the town people what a Sunday newspaper is to Sunday readers now-a-days, and where they learned the news of the week and events to come; the men talked in loud voices the points of the sermon, and in lower voices of wolf and bear killing, of taxes, crops and of domestic animals, and many a sly bargain was made in the noon-house. The shivering women gathered about the blazing fire, talked of their household affairs, and discoursed in low voices of their spinning, weaving

and candle-making, and their success or failure in the different kinds of work.

The wood for the use of the noon-house was given by the farmers of the congregation. Some apple growing farmer would give a barrel of cider to supply the internal warmth, an article of costly luxury in the early days of New England life. This thawed-out Sunday barrel of cider proved a source of much refreshment, inspiration and tongue-loosening to the chilled and shivering deacons, elders and farmers who gathered at the noon-house. A hot toddy or punch, a mug of flip, home-brewed beer, and a liberal dash of Jamacia rum were frequent, and taken without hesitation even by the parson. When stoves were introduced and used in the Vermont and New England meeting-houses, the noon-houses were no longer needed and quietly disappeared, and the noon-day lunches were eaten in the meeting-houses.

The office of Deacon of the early churches, in the pioneer settlements, was an important one. The deacon had charge of the prudential concerns of the church, and "dispensed the Word" in the absence of the ordained minister. They usually sat near the pulpit in a pew raised above the level of the meeting-house floor; furhished the sacramental wines, the cost of which was allowed to them from the church-rates or raised by special taxation, and sometimes the inhabitants of the parish were ordered to pay their share in wheat; they had charge of the communion service—often a pewter service, and had charge of the church contributions, and guarded against gifts such as

worthless currency and other articles. In Bristol, Connecticut, the deacons wore starched white linen caps in the meeting-house to indicate their office. These venerable men were a group of awe inspiring figures, who, next to the parson, had the respect of the community.

Rules for conducting funerals were very quaint. On May 11, 1780, in one town, a report of a committee, to whom had been referred the conduct of funerals, was as follows, viz:

"Whereas, It is the opinion of this town that funerals ought to be conducted with great decency and decorum in order to impress on rising and risen generations the importance of the awful solemnity, and to render the house of mourning better than the house of feasting. Be it therefore recommended to all the inhabitants of this town to observe the following regulations at funerals:

"First—That the relatives of the deceased follow next the corpse, two and two.

"Second—If the deceased was a male person the males are to follow next the mourners, two and two, and the women after them, two and two; but if the deceased was a woman, then the women are to follow next the mourners and the men after them.

"Third—Those on horseback are to follow in after the foot folks, horses two and two, and the carriages are to follow in the rear of the procession. And it is requested that no person walk or ride on either side of the procession from the house to the grave."

CHAPTER XVIII.

THE SABBATH, ITS RELIGIOUS OBSERVANCE AND PRIVILEGES IN THE EARLY DAYS OF VERMONT.

CONTINUED.

In the early days of New England the music for public worship was indescribably bad, and consisted largely in the versification of the Psalms, and, as one described it, as, "squealing above and grumbling below." A few feeble efforts were made at the beginning of the 18th century to "guide the singing." Wretched failures were made in pitching or "setting the tune." But if the quality of their music was not edifying it was made up in the length of the performance. Some of their pieces were 130 lines long, and occupied when lined and sung, a full half hour.

It is related of Dr. West, who preached in Dartmouth in 1726, that he forgot one Sabbath to bring his sermon to meeting. He gave out a Psalm, walked a quarter of a mile to his house for his manuscript, and got back to his pulpit before the psalm was finished. Judge Sewall for many years seemed to have the charge of the singing and entered the following facts in his diary, viz: "In the morning I set York tune, and in the second going over, the gallery carried it irresistibly

to St. David's, which discouraged me very much." It must have been, at least, interesting to have seen him stamping his foot, beating time and calling out York, at the top of his voice, and finally succumbing to St. David's by reason of the strong voiced gallery.

As poor as the singing was it was a source of pure delight to the Puritan Colonists;

"For all we know
Of what the blessed do above
Is that they sing and that they love."

It has been well said that in the early communities they reverenced the poor halting tunes in a way quite beyond our modern power of fathoming. At length the clergymen arose in a body and demanded better performances, and notes were introduced. Still the bands of old fogies were strong, who wished to cling to the way of singing they were accustomed to, and objected to singing by note for that the names of the notes were blasphemous, and popish, a contrivance to get money, it would bring musical instruments into the church, that no one could learn the tunes; that if they began to sing by rule the next thing would be to pray and preach by rule; but the last and the most prominent reason was, "the old way was good enough for our fathers and therefore good enough for us."

From the long agitation of the singing question came the establishment of the New England "singing-school." Through Vermont and all New England the young people gathered once or twice a week at the meeting-house or school-house in

the evening, during the winter season, to learn to sing by note under the direction of a singing master. Then followed the forming choirs from those who had learned to sing, who were permitted to sit in the front gallery, the women upon one side and the men upon the other. In Woodbury, Connecticut, in 1750, a vote was taken that the singers "may sit up gallery all day, if they please, but to keep to their own seat and not to infringe on the women ones."

It was hard in some churches to adopt the new mode of singing. The deacons insisted upon lining for the choir to sing, but this the choir resented, and broke up the old mode of lining, by not stopping singing at the end of the line, which cut the deacon out. On one occasion the deacon, after having been vanquished and set aside by the choir, arose at the end of the performance by the choir, and calmly said, "now let the people of the Lord sing." The custom of lining finally disappeared, but it died hard. One bitter objection was made against the leader beating time so ostentatiously.

It was arranged between the deacon and the choir that the deacon was to lead and line and beat time in the forenoon while the choir was to have control in the afternoon; and whoever should lead the singing should be at liberty to use the motion of his hand while singing for the space of three months only. Often the reading and singing one line at a time, gives a wrong idea of the meaning intended to be conveyed as in the following, viz:

"The Lord will come and he will not"

and after singing that line through, read,

"Keep silence, but speak out."

When singing was introduced into the church in Salem, Massachusetts, one indignant and disgusted church attendant recorded on the panel of a pew:

"Could poor King David but for once
To Salem Church repair;
And hear his Psalms thus warbled out,
Good Lord, how he would swear.

"But could St. Paul but just pop in,
From higher scenes abstracted,
And hear his Gospel now explained,
By heaven, he'd run distracted."

As improvement in modes of worship were adopted and musical instruments were introduced in aid of singing and true worship, the church attendants who clung to the old ways of worship and singing in church thought the very end of Godly worship had come. The ministers were as much opposed to them as the laymen. Cotton Mather declared that, "there was not a word in the New Testament that authorized the use of such aids to devotion." Ministers preached often on the text, "I will not hear the melody of thy viols," omitting the other half of the text that read, "Take thou away from me the noise of thy songs;" they hurled many a text at the "fiddle-players."

The pitch pipe, the fife, the tuning-fork, the clarinet, the violin and the bass-viol all came into common use before the organ was introduced and

used. I doubt if there is any more suitable and inspiring aid to the rendering of pieces of music in the worship of God in the church than the violin and bass viol. One old lady about the middle of the 19th century wrote that the violin did not suit the old people, and one old gentleman in the church where she attended, got up, took his hat off the peg and marched off, and said, "they had begun fiddling and there would be dancing soon." One church voted that the clarinet be used in the choir; one church member who was opposed to its use, brought into meeting a fish-horn, which he blew loud and long to the complete rout of the clarinet-player and the singers. When reproved for the act, said, "if one man could blow a horn in the Lord's house on the Sabbath he guessed he could too." He had to be bound over to keep the peace.

Many a minister said openly that he would like to walk out of his pulpit when the obnoxious and hated flutes, violins, bass-viols and bassoons were played upon in the singing gallery. One clergyman announced contemptuously, "we will now sing and fiddle the 45th Psalm." And another sadly deplored that "now we have only catgut and resin religion." It is true that it is very seldom, in religious matters as in other things, that improvements and advancements come without active and often bitter opposition.

Notwithstanding the early New England and Vermont settlers clung to the old ways, and Puritanic beliefs and practices in worship, no one doubted their sincerity. And many of them had

the honest, Christian courage to ask forgiveness for the mistakes of life. A notable instance of this is that of Judge Sewall who in a Boston meeting with a dignified face and demeanor and with a contrite heart, stood up and through his minister asked humble forgiveness of God and man for his sad share as a Judge in the unjust condemnation and cruel sentencing to death of the poor murdered victims of delusion, the Salem witchcraft.

The Blue Laws of Connecticut were unduly severe on Sabbath breaking however slight the infraction of the law might be. Some of the instances were as follows, viz: In Plymouth a man was sharply whipped for shooting a fowl on Sunday; another was fined for carrying a grist of corn home on the Lord's day, and the miller who allowed him to take it was also fined. Elizabeth Eddy was fined for wringing and hanging out clothes. James Watt, in 1658, was publicly reproved for writing a business note Sunday evening somewhat too soon.

In Newbury, in 1646, Aquila Chase and his wife were fined for gathering peas from their garden on the Sabbath, but the fine was afterwards remitted and the offenders admonished. A Dunstable soldier was fined for "welting a piece of an old hat to put in his shoe to protect his foot." Capt. Kemble of Boston in 1656, was set for two hours in the public stocks for kissing his wife, publicly, on the Sabbath upon the steps of his own house, when he had just returned from a voyage at sea after an absence of three years.

The Vermont Sunday laws were about of the

same character, some of which have been already quoted. As late as 1831, in Lebanon, Conn., a lady journeying to her father's home was arrested for unnecessarily traveling on the Sabbath. She brought suit and recovered damages for false imprisonment. In Maine in 1776, a meeting was held to get the "town mind" on a plan to restrain visiting on the Sabbath; the town voted that if persons should make unnecessary visits on the Sabbath "they should be look't on with contempt." People were frequently fined for non-attendance at public worship.

Quakers were fined in great numbers for refusing to attend church which they hated and which abhorred them. The Quakers were set in the stocks and whipped if they came to church and expressed any dissatisfaction, and suffered the same punishment if they stayed away. There were strict orders against the use of tobacco; its use in Connecticut, was absolutely forbidden under any circumstances on the Sabbath within two miles of the meeting-house. These instances are sufficient to show the character of the Vermont and Colonial laws and their enforcement.

The Puritans and the early settlers were not content with the strict observance of the Sabbath alone but included Saturday evening in their holy day. The clergymen were rigid in the prolonged observance of Sunday. From sunset on Saturday until Sunday night they would not shave, have rooms swept, nor beds made, have food prepared, nor cooking utensels and table-ware washed. The Puritans claimed they found Scripture sup-

port for this observance of Saturday night in these words, "The evening and the morning were the first day." The following poem was written on the subject of the New England Christians setting apart a day and a half for the Sabbath, viz:

"And let it be enacted further still
That all our people strict observe our will;
Five days and a half shall men and women, too,
Attend their business and their mirth pursue,
But after that no man without a fine
Shall walk the streets or at a tavern dine.
One day and a half 'tis requisite to rest
From toilsome labor and a tempting feast.
Henceforth let none on peril of their lives
Attempt a journey or embrace their wives;
No barber, foreign or domestic bred,
Shall e'er presume to dress a lady's head;
No shop shall spare (half the preceding day)
A yard of ribbond or an ounce of tea."

The strict observance of Saturday evening and the Sabbath, appeared to the Puritans and their immediate descendants to be one of the most vital points of their religion—they made no compromise with levity or the busy world but rested absolutely on the Lord's day. As time went on both Saturday and Sunday evenings became a time of general cheerfulness and often merry-making.

In the early days of Vermont and throughout New England the authority in the church severely criticised and punished any expressions of disparagement of the minister, his teachings or any religious exercises of the church. One man was publicly whipped for speaking deridingly of God's words and ordinances as taught by the minister. Mistress Oliver was forced to stand in public with

a cleft stick on her tongue for reproaching the elder. A man in New Haven, Conn., was whipped and fined for declaring that he received no profit from the minister's sermons. It would seem that such treatment for uttering honest dissent from utterances and teachings of the minister savors of both superstition and tyranny. In this enlightened era no such treatment of like expressions would be tolerated.

In 1631, Phillip Ratcliffe, for "speaking against the churches" had his ears cut off, was whipped and banished. Two women were punished in 1669, for saying, "the Divil a bit." As time rolled on church members escaped somewhat from ecclesiastical power, and some openly disparaged their ministers in a way that in earlier days would have been whipped, caged or fined. One minister was reproved for lack of dignity; another for having jumped over the fence instead of decorously walking through the gate. Enough has been said to show the custom of the times, the character and rigid discipline of the church leaders, and the change of sentiment as light and knowledge began to spread.

The settling and the ordination of the minister was a great event and a time of much merriment. At such time the ordination ball was held and was always a great success. In Danvers a young man danced so vigorously and long on the sanded floor that he wore out a new pair of shoes. Those balls were kept up to a comparative recent date; one was given in the town of Wolcott at an ordination in 1811. A plentiful feast or supper

accompanied the ordination, and at such times, cider, wine, punch and grog were liberally supplied. One writer has said, "different times make different manners; the early Puritan ministers did not, as a rule, drink to excess, any more than do our modern clergymen; but it is not strange that though they were of Puritan blood and belief, they should have fallen into the universal custom of the day, and should have gone to their graves full of years, honor, simplicity and rum."

Some of the ministers were sharp at repartee. Two young men met Rev. Mr. Hanes of Vermont, and said with mock sad faces, "have you heard the news? The Devil is dead." Quick came the answer, "oh, poor, fatherless children! what will become of you?"

In the Colonial days ministers themselves were not quite so careful to guard against the appearance of evil as the most of them are at the close of the 19th century. John Fisk in his second volume of "Old Virginia and Her Neighbors" relates instances of this kind, viz: One parson was for years the president of a "jockey" club. Another fought a duel within sight of his church. A third, who was evidently a muscular Christian, got into a rough and tumble fight with his vestrymen, and floored them; and then justified himself to his congregation the next Sunday in a sermon from a text of Nehemiah, "And I contended with them, and cursed them, and smote certain of them, and plucked off their hair."

In 1711, a bequest of 100 pounds was made to the vestry of Christ's Church parish, providing

the interest was paid to the minister for preaching four sermons each year against the four reigning vices, viz: Atheism and irreligion, swearing and cursing, fornication and adultery, and drunkenness. The sermons were preached by a minister who was notoriously guilty of all the vices mentioned. Earle, in her work on the New England Sabbath, relates some of the incidents of the cheerful parties at the early ordination-times, when "the reverend assembly of elders enjoyed to the full degree of twelve gallons of sack and six gallons of white wine," and had for their motto, "in essentials, unity, in non-essentials liberty, in all things charity."

One reverend gentleman kept an account of his purchases, and on one page of his account book was found 39 entries, 21 of which were for New England rum. From such practices we cannot wonder at the coupling in Byron's sneering lines:

> "There's naught, no doubt, so much the spirit calms,
> As rum and true religion."

Rev. Mr. Whiting, in the early days of New England, had an apple orchard from which he made delicious cider. One day an Indian called at his house and was given a drink of the cider, the Indian on setting down the mug and smacking his lips, said, "ye Adam and Eve were rightlie damned for eating ye appills in ye garden of Eden, they should have made them into cyder." In those days, God-fearing, pious ministers did not hesitate to own and operate distilleries. Rev. Nathan Strong, pastor of the First Church of Hartford and author of the hymn "Swell the anthem,

raise the song," was engaged in the distilling business, and afterwards received the degree of Doctor of Divinity from Princeton College. Enough has been said to show the reader the state of society in early Vermont and Colonial days.

The salaries of the clergymen were not large but varied from 20 to 70 pounds for a year—this sum enabled them to live comfortably with the plain ways of living in the new country. The minister of the Andover Church was voted a salary of 60 pounds, and "when he shall have occasion to marry, 10 pounds more." In those days the stipend was paid in corn and labor and the amount for each was established by fixed rates upon the inhabitants, and the wealth of each member was taken into consideration in making the assessment. These assessments were called voluntary contributions, but if any citizen refused to contribute, he was taxed, and if he refused to pay his church tax, he was punished. One man who dared to write a book against the enforcement of voluntary subscriptions, was fined 10 pounds for his wickedness, and the printer of the book was also punished.

The reader will be puzzled to know how gifts that were forced by dread of fines, pillory and cage, could be regarded as voluntary. In the early town grants in Vermont one lot was set apart for the first settled minister. It was a common thing for the minister's house and the meeting-house to be built by contributions from all the citizens of the town or parish; some would give the use of team; some work; some material, such

as logs, stone, lumber and nails. Some would rebel against being forced to work, and fines were common against delinquents. The minister was allowed free pasturage for his horse in the burial ground. Sometimes the minister was poorly paid.

In the early days of Vermont and in New England generally after the War of Independence, the church members gave whatever they had, such as meal, maize, beans, cider, lumber, pork, apples, pumpkins and grain. Pieced patchwork, bedquilts and other things for the parson's wife and family would be given by the women of the parish, and the women of the congregation would meet for a quilting for the benefit of the minister's family. Often a bee would be made to do the harvesting on the minister's land and other necessary work. As time went on many rebelled against being forced to support the minister and religious services, especially when it was against the dictates of their conscience. The law compelling such support was repealed, and the support of the minister and the dominant church, and in fact all churches and religious institutions, became a matter of voluntary contribution in fact, as well as in form.

When the only way for the raising of the minister's salary was by voluntary subscription or donation, the subscriptions were paid in various ways: in work, vegetables, sugar, potatoes, grain, hay, meat and wood and almost everything that the members of the congregation raised, manufactured or dealt in, as well as

money. The writer well remembers of working with his father's team for the minister to apply upon his father's subscription.

At the time of the early settlements, quite a common article of contribution to the minister was wood; one minister in 1763, received 120 loads from the citizens of his parish; the minister's load was three quarters of a cord and was expected to be good "hard wood." Earle in her book, relates one instance where a parson watched the farmer unload his yearly contribution, and remarked to him, "isn't that pretty soft wood?" When the farmer replied, "and don't we sometimes have pretty soft preaching?"

Some ministers in those days did not hesitate to ask for what they wanted. It is said Rev. Mr. French of Andover, Mass., gave out in November the following notice: "I will write two discourses and deliver them in this meeting-house on Thanksgiving Day, provided I can manage to write them without a fire." Abundance of wood was furnished the next day at the parson's door. A parson in a New England town rode from house to house one winter afternoon, saying in each that he wished he had a slice of their good cheese for his wife expected company. On his way home his sleigh was upset. The town's people who assisted him in righting his sleigh found that nine great cheeses had rolled out into the snow from the sleigh.

In low-salaried, rural districts, parsons had to practice the most rigid economy to live within their income. Some had to perform considerable

manual labor to carry themselves and family through the year. One clergyman in Andover, Vermont, worked at shoe-mending all the week with his Bible on the bench before him preparing his sermon for the coming Sunday. Rev. John Cotton said that "ministers and milk were the only cheap things in New England," and he deemed various ills, such as attacks by fierce Indians, loss of cattle, earthquakes and failure of crops, to be divine judgements for the small ministerial pay. This of course savors of superstition.

The annual donation to the minister was, in some respects a unique affair. This gathering took place in the winter season. The adult people of the parish would meet at the minister's residence in the afternoon. The women would bring their pies, cakes, doughnuts, bread, butter, cheese and other eatables in abundance not only for the minister and his family, but for an afternoon meal for the company. Quilts, comforters, pillows and other house furnishings, both useful and ornamental, were generously supplied.

The men would bring bags of potatoes, corn, oats and other grains, together with dried apple, dried pumpkin, beans, peas, wood, hay and vegetables of all kinds and small amounts of money. Sometimes it was agreed between the deacons or parish committee at the commencement of the year that all donations should be applied towards the payment of the minister's salary. In such case all the articles donated were delivered to the deacons and their value ascertained, and the appraised value applied on the salary, and the do-

nated articles then delivered to the minister. In the evening the young people of the parish, both boys and girls, would assemble to make their donations and for a social.

In closing the subject that has been under consideration in the last two chapters, I will insert an address that was delivered by the writer a few years ago which shows the harmony that existed in the early days of Vermont and that still exists between the Congregational Church government and the town governments in Vermont and throughout New England as well as the civil government of the United States, and also showing the influence that the Congregational policy has had in creating and moulding our form of government. The Congregational church has been the leading church organization in Vermont from the time of its earliest settlements. The address is as follows, viz:—

The questions arise, should there be such harmony between the two? Is there such harmony? In what does that harmony consist?

Government of some kind is necessary. Man is a being constituted with a great variety of faculties, passions and appetites; and these are capable of almost endless variety of modifications and combinations. To a being thus constituted, to prevent the utmost capriciousness of conduct, and give him a command of choice in his actions, some balance, some constant regulator is necessary. Man, as a moral and accountable being, has certain duties to perform and observe; he finds himself bound to his duty by a three-fold cord of ac-

countability—to God, to his own conscience, and to his fellow men.

Governments among men are established for the purpose of creating, regulating and guarding those rights and duties. When any people are capable of forming a constitution of government, on natural principles. and establishing a power of administration within the limits of those principles, they will be able to secure themselves from the danger of exorbitant abuses. Care must always be taken that the ruler shall feel, in a proper degree, his responsibility to the people for his public conduct, and to provide that he shall administer, not his own powers, but the powers of government intrusted to him as a sacred deposit.

The fundamental principle of the government should be such that they may run through, and be applied to all the departments of that government. Let the same great principles be applied not only in the nation, but in the state, the county, the town, and in all the associations and organizations, politically, morally and religiously. Those governments and associations should be so established and adjusted that the individual may have the largest security in his personal and natural rights which consist in the right of personal liberty, personal security and of private property, and the right of free thought and free action, where it will not infringe upon, and abuse the rights of others.

In monarchial governments those rights are cramped and abridged to a considerable extent. There the word and will of the king is law. No

matter how much it may interfere with your individual rights, or how severe its mandates, servile obedience is demanded and enforced without modification and without appeal; under such rule free and independent thought and action become the exception and the people become intellectually dwarfs.

This arbitrary and tyrannical principle, if carried out in the Church will have its baneful and dwarfing effect—like or worse in effect and character, than in the state government. This can be readily seen in the history of the Romish Church. Private opinion, while confined to the breast of an individual does not belong to the cognizance of human laws, societies as human tribunals. Such matters are between the individual and his conscience, and is cognizable only by the Great Searcher of the human heart. It has never been claimed by any human tribunal, except that of the Romish Church. The Pope, the head of that Church, who claims to be God's vice-gerent on earth, claims also the right and power to search the human heart. Accordingly, in former times, more than now, the Court of Inquisition, a tribunal erected by the authority of the Pope, have assumed as a right (which they exercised) an authority to compel by torture, any person suspected of secretly entertaining any opinion inserted in their catalogue of heresies, to confess that opinion and recant the same, or suffer in person or perish in the flames.

Any civil government or church that do such things, and that do not tolerate private opinion

and judgement have the inherent seeds of death. The right of private opinion and judgement is a sacred one with which state, church or society cannot interfere without a violation of the first principles of the law of nature. Man should have the liberty of conscience—which is the liberty a man has of discussing and maintaining his religious opinions and of worshiping God in that way and manner which he believes in his conscience to be the most acceptable to his Maker without being liable on that account to any degradation, penalties or disqualifications, civil or political.

The attempt to exercise this undoubted right by individuals in monarchial governments has led to many a sanguinary conflict in ages past, and this too has been the result in limited monarchies. Even in England, that boasted land of liberty, dissenters from the established Church have, on that account, been deprived of many important rights and privileges both civil and political, or permitted to enjoy them on conditions and compliances without any just measure of religious liberty, but this was when church and state were united.

In any country and under any government the Romish Church, according to its former teachings and practices, would not contribute to the peace, welfare and happiness of the people. In the Romish Church the authority and dictation of the Pope is law to their people, hence conflict must arise between Romish authority on the one hand, and civil authority on the other.

The genius of our institutions is such, under

our republican government, the people have something to say as to what the character of those institutions shall be, who shall be their governors, leaders and representatives, and what authority they shall exercise over the people, and if the wishes of the people are not listened to, they are sent to the rear and others put forward that will do their bidding within the limits of the constitution of the land. There is but one voice and that is the voice of the people. That voice and power may be heard in the national and state councils, and in our county and town affairs. This is not the voice of one man, but it is the voice of the people represented generally by a majority vote.

It is a government "of the people, for the people and by the people." This same principle is especially carried out in Congregational Churches. And so far as form of government is concerned it will include the Unitarian, Baptist and perhaps some other church organizations. The organization and government of the Congregational Churches are such as to give the largest liberty to the individual member—free to exercise and express his opinion; his power and influence may be felt in the organization by vote, by speech, and by practice and action. His conscience is not to be dwarfed and twisted to suit the notion of any man or set of men.

In a general way of speaking there is but one essential requisite to become one of its members. He must believe in God and his Word, and obey his will. To serve and worship him is but the dictates of common reason about which believers do

not differ. The mode and manner of worship is left to the conscience of every man upon the best information he is capable of attaining. Where in all the ecclesiastical bodies is there a freer and better opportunity of governing their body in a manner that shall suit the majority of its members than the Congregational Churches? At the same time the principles by which they govern themselves accords with the Word of God and the genius of our institutions.

The agreement is such between the two that if a person is well versed in the order, management and conduct of the Congregational organizations he will have no difficulty in exercising his rights in the management of our political and civil institutions. So that if one is well versed in the control or management of the one, they will not be strangers if they are called upon to exercise responsible duties in the other. In these United States religious liberty is secured, and the right of conscience enjoyed to their full extent. No state establishment of religion, no religious test is permitted by the Constitution.

All the different sects enjoy equal privileges and equal rights, natural, civil and political. Our own State Constitution declares, "that all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences and understandings as in their opinion shall be regulated by the Word of God; and that no man ought to or of right can be compelled to attend any religious worship or erect or support any place of worship or maintain any

minister contrary to the dictates of his conscience &c." This gives the fullest liberty. Where can a person have a better chance to exercise his judgement in these regards than in the Congregational Church? No pastor or spiritual adviser can be forced upon them for any length of time against the will of its members, as expressed by a majority vote, the manner of support of their pastor is left to the will of its members; when and where their meetings are to be held and whether few or many is left to its members.

In electing their officers for the management of the church, the body does not have to get permission from any higher authority. The members have a right to look to the fitness, the talents and the integrity of the candidate, the same as in the management of their local, civil and political affairs. Not only have they the right to exercise their free, unbiased judgement in respect to the management of both the religious and political bodies, but it is their duty to be active members of both. Understanding the duties in the one, ought to fit a person to some extent, at least, for the duties of the other.

We have said that a person under the government under which he lives has the fullest liberty and complete right to enjoy his opinion and exercise his rights. In one sense this is taken with some restrictions and qualifications. No one has the right to violate the rights of others, to disturb the peace and good order of society, under pretense of conscience or of religious duty. And to do it would be acts equally criminal as though

perpetrated under any other pretense, and are equally prohibited by the laws of nature, by the Supreme Being (the Author of religion) and justly punishable by the laws of society. In fact to punish the abuse, instead of its being a restraint upon liberty, it is its greatest surety.

All political, civil and religious bodies have, or should have, certain principles and rules by which their respective bodies and its individual members are governed and the conduct of its members are controlled and regulated. Those principles are usually embodied in a constitution, articles, covenant or by-laws to which every member is expected to conform. But instead of its narrowing his rights and privileges it is enlarging and extending them. In one sense every man, on entering into society or any organization gives up a part of his natural liberties in consideration of receiving the advantages of mutual commerce, and he is obliged to conform to the laws and rules which the society or organization have thought proper to establish. These rules and laws are his own will. The will of the socity or organization is made up of the wills of the individual members, collected.

The Congregational polity is democracy, and is quite fully carried out in our town organizations. If it is asked if we are not bound and controlled by the general laws enacted by the General Assembly and required to submit to officers appointed by it, and to the authority of the officers of the State? We say, yes; but all of its powers and authority are derived from the people, and the Leg-

islature and their appointees and State officers have no power or authority except what the people invest them with. The theory is this: The legal voters in all the minor divisions of a State, such as cities and towns, meet in their respective limits, precincts and wards and choose, usually by ballot, one or more to represent them in the State Legislature and in the national councils. At first the States were independent of each other, they owed no duty or service to any other, but for the sake of greater protection and the enlargement of their rights and to insure greater peace and tranquillity, the people, through their representatives, surrendered certain rights and privileges to a national government. They delegated certain powers to the nation.

The power and authority of the national government are limited and restricted. It can only exercise what has been delegated to it by the people. All power and authority not delegated to Congress or not prohibited to the States are reserved to the States respectively and to the people thereof. Whatever power or rights that have been surrendered to the national government has been done by the free act and will of the people. The source of all power and authority in this land resides with the people, and that power and authority is exercised in its purest and completest manner in our town system of government.

Like the Congregational mode of government it is democratic, and it is exercised when the people meet to elect, appoint or designate their officers and adopt measures to regulate and control their

action. In an early day parishes stood in the place of towns, and the parishes for a time controlled and managed the affairs of the religious organizations throughout New England, so that the parish or town system of government which was a government of the people, was also carried into Congregational organizations, and this democratic policy and polity fully adopted by them, or the principles governing Congregational Churches, which was thoroughly democratic at an early day, were taken up and adopted by our New England communities in the management of their town offices and government. The government of the Congregational organizations and Churches and of that of the towns and parishes have been so essentially the same and are so interwoven, it is difficult to tell which was the father of the system.

For a time, since the landing of the Pilgrims on Plymouth Rock, church and state, especially in Massachusetts, was run and supported by one and the same organization, and it was carried to such an extent that the interests of church and state began to clash and the courts had to settle their controversies. At one time the parish or town, by the action of its general court or town meeting, claimed the right to dictate to the church who their pastor should be. This was so in Vermont.

Massachusetts Colony on the 10th day of May, 1631, enacted by their general court or town meeting as follows, to wit: "And to the end that the body of the commons may be preserved of hones

and good men, it was likewise ordered and agreed that for time to come, no man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the limit of the same."

And on June 10, 1650, the general court enacted "that whosoever shall hereafter set up any churches or public meetings diverse from those already set up, without consent as aforesaid, shall be suspended from any voice in town meetings and presented to the next general court to receive such punishment as the court shall think meet to inflict." And on the 6th of June, 1651, it was ordered "that if any lazy, slothful or profane person doth neglect to come to public worship of God, such person shall forfeit for every such default ten shillings, or be publicly whipt."

Governor Winthrop of Massachusetts, in 1637, declared "Whereas the way of God hath always been to gather his churches out of the world. Now the world, or civil state, must be raised out of the churches." The New Haven Colony enacted, "That church members only shall be free burgesses, (citizens) and that they only shall choose magistrates and officers among themselves, to have power of transacting all the public civil affairs of this Plantation, of making and repealing laws, dividing of inheritances, deciding of differences that may arise."

In those early days town or parish and church were regarded as coterminous—it covered the same extent of territory. It belonged to one for civil purposes and to the other for ecclesiastical

purposes. The plan was for a church for each town. The same persons acting for the town in civil matters and for the parish in ecclesiastical affairs. All who resided within the limits of the town, were under the spiritual care of the minister of the church, and all were required to attend its public worship, and aid in the erection of the sanctuary and in the support of the pastor.

Taxes and assessments were imposed for these objects, the same as for town expenses, and if the assessments were not voluntarially paid they were enforced by civil process. Finally in some parts of New England this compulsory process was adopted without regard to town limits against all who worshiped at the sanctuary in the town. In June, 1662, the people of a town in Massachusetts at their town meeting or general court adopted the following proposition, to wit: "The court proposeth it as a thing very commendable and beneficial to the towns where God's providence shall cast any whales, if they should agree to set apart some part of every such fish or oil for the encouragement of an able, godly ministry amongst them."

In those days civil supervision of the churches was direct and decisive. On May 11, 1655, upon motion and desire of the people of Greenwich, this court doth declare that Greenwich shall be a township entire of itself, providing they procure and maintain an orthodox minister. October 10, 1697, it was ordered by the court that good and marketable grain and pork, in payment of the minister's rate shall pass at the prices named in a schedule.

For a time after the landing of the Pilgrims the churches had the right and exercised the privilege of electing their own minister without the concurrence of the parish, but in 1692, it was enacted in Massachusetts "that every minister, being a person of good conversation, able, learned, and orthodox, that shall be chosen by the major part of the inhabitants of any town, at a town meeting duly warned for that purpose, shall be the minister of that town." But the next year this act was modified so as to give the church a right and a voice in the selection of their minister.

In the early days of the New England church ministers were called to and settled in a town long before the organization of a church there, hence all matters pertaining to the supply of a preacher were entirely left to the action of the town in town meeting. About the year 1780, there were incorporated into the Massachusetts bill of rights the following provisions, to wit: "Providing notwithstanding, that the several towns, parishes, precincts and other bodies politic or religious societies, shall at all times have the exclusive right of electing their public teachers and of contracting with them for their support and maintenance." This gave the parish a right to hire and dismiss the minister as the act was construed by the court. And it followed that when the church began to assert its supposed rights in this regard, conflict between church and state ensued. Churches were hampered till they sought relief, in Massachusetts, by acts of incorporation.

Enough has been said to see that the parish

and church system for the support of the Gospel grew together in Vermont and in all New England, and all their affairs were largely managed and controlled by the same men, by the same methods, and by the same organizations. And the internal machinery by which they were kept up and propelled was the same. It was natural that the same system of government that was adopted in their parish and town governments, should be used and adopted in the government of the churches with which they had so long been connected so far as it was applicable. In the civil government of all New England towns, all their officers are chosen by the legal voters assembled, by a majority vote; all their measures for the support of schools and for the support of their governments are adopted in the same way, and if they keep within the limits of the constitution under which they act and by which they have consented to be governed, no one can interfere with their right and action.

And so it is with the Congregational Churches, they choose their pastor and deacons and their minor officers of clerk, treasurer and committees to arrange and carry out their temporal affairs, by majority vote; and if any of their services are no longer wanted they have the right and power of removal; if they violate none of the covenants and rules and contracts that they have assented to, they remain in undisturbed control. In one sense a Congregational Church is an independent body, owing no allegiance to any higher or superior body in the management of its affairs. When

they make their decision, by a majority vote, it is final. No appeal is allowable. There is no body to appeal to; and none that has any authority over it. Of course it is proper for them in matters of moment to ask for advice of other churches and to follow that advice, if in their judgement it accords with the Word of God, and does not interfere with civil authority.

But they are not bound, because a council of churches advises a certain course of action, to adopt it. A Congregational Church in the conducting of its business is controlled and governed by parliamentary practices and usages. A Congregationalist, well fitted to conduct its meetings through complicated business, will be fitted to condnct any other political or business meeting where good order and parliamentary rules obtain.

CHAPTER XIX.

BIOGRAPHICAL SKETCHES OF THE PIONEERS OF THE NEW HAMPSHIRE GRANTS AND VERMONT.

Among the men whose lives and influence were the most prominent in establishing the independence of Vermont and getting her admitted into the American Union were Thomas Chittenden, Ethan Allen and Ira Allen. The part that these brave men officially took in conducting the affairs of the settlers in the New Hampshire Grants and in establishing the State of Vermont has been so fully set forth in this and the previous volume it would add nothing of importance to here give a further sketch of their services. No accurate history of the early days of the territory now called Vermont could be written without recording the deeds of those men. And it will make the history that I have endeavored to write of that territory more complete by giving a biographical sketch of many of less prominence who took part in that early struggle. I commence with General Bayley.

General Jacob Bayley of Newbury was an officer under New York and commissioner to administer oaths of office, Judge of the inferior court of common pleas, and justice of the peace; he was

elected deputy for the session of the New York Provincial Congress of May 23, 1775, but did not take his seat; he was appointed Brigadier-General of the militia of Cumberland and Gloucester Counties August 1, 1776. He continued nominally under the jurisdiction of New York, and a mild adherent of her cause until June 14, 1777, when he wrote to the New York Council of Safety that "I acknowledge the receipt of an ordinance from you for the election of governor, lieutenant-governor, senators and representatives for the State of New York. The Sheriff and committee gave the proper orders, but I am apt to think our people will not choose any members to sit in the State of New York. The people before they saw the constitution, were not willing to trouble themselves about a separation from the State of New York, but now they are violent for it."

On July 8, 1777, he was appointed a member of the Vermont Council of Safety, and in March following was elected Councillor. He was elected as one of the committee by the Convention of delegates of the Grants held at Westminster Court House, October 30, 1776, to go through Cumberland and Gloucester Counties to carry the proceedings of that Convention to complete an association in the interest of the New Hampshire Grants. At a session of the Westminster Convenvention January 15, 1777, he was elected as one of the delegates to carry a petition of the Convention to the Continental Congress and to negotiate business in behalf of New Connecticut. He was one of the members from Newbury in the Windsor County Convention of July 1777.

General Jacob Bayley was born in Newbury, Massachusetts, July 2, 1728, and married Prudence Noyes October 16, 1745, and settled in Hampstead; was Captain in the French War, 1756, and escaped from the massacre of Fort William Henry in August, 1757; was Colonel at the taking of Ticonderoga and Crown Point by Amherst in 1759, and arrived in Newbury, Vermont, in October, 1764. In 1776, he commenced the celebrated Hazen Road, designated as a military road from Connecticut River to St. Johns, Canada, that was afterwards completed by General Hazen to Hazen's Notch near Montgomery line; he was Commissary-General during a portion of the Revolutionary War. He was a leading man in his town and county and represented his town in the Legislature, a member of the State Council and a Judge of Gloucester and Orange County Courts. He died March 1, 1816. In March 1778, he was appointed one of the Court of Confiscation and was Judge of Probate for the Newbury District. In 1775, he sent an address to the Northern Indians to persuade them to join the Americans against the British.

Doctor Paul Spooner was appointed one of the Committee of Safety by the Windsor Convention of July 1777; he appears first in Vermont as a delegate from Hartland in the Convention at Westminster of October, 19, 1774, called to condemn the tea act, the Boston port bill and other kindred measures; and he was one of the committee of the Convention who made a written report expressing surprise that the King and Parliament

should dare assert a right to bind the Colonies in all cases whatsoever. He was a delegate at subsequent Conventions in 1775, and was chosen one of the three delegates to represent Cumberland County in the New York Provincial Congress in 1775 and 1777.

On May 5, 1777, he was chosen Sheriff of Cumberland County under New York but declined to accept the office; he was appointed one of the Vermont Council of Safety in July 1777, and accepted of the same; he was a member of the first Council under the Constitution, and was re-elected five times, serving from 1778 to October 1782, when he was elected Lieutenant-Governor in joint Assembly, there having been no election by the people, and was annually re-elected until 1787. Twice he was agent from Vermont to Congress in 1780 and 1782, and nine years Judge of the Supreme Court.

In 1781, and 1782, he was Probate Judge for Windsor County. It has been erroneously stated by some authorities that he removed from Hartland to Hardwick, and was the first town clerk of the last named town in 1795, and was its first representative to the General Assembly and served as such from 1797 to 1799, but that Paul Spooner was a nephew of the Doctor. Doctor Paul Spooner was well educated and had a good professional reputation. On June 19, 1782, the Council requested him and Jonas Fay to call upon the disaffected inhabitants of Orange County and the northern towns of Windsor County, explain the action of Congress and use their utmost endeav-

ors to unite the disaffected people to the Vermont government. He died at Hartland September 5, 1787.

Colonel William Marsh was one of many others who signed a declaration in July 1776, declaring that they would "at the risk of their lives and fortunes defend by arms the United States against the hostile attempts of the British &c." and was regarded a valuable Green Mountain Boy in 1777, but in the dark days of the Revolution fled to Canada leaving his family in Dorset. His property was confiscated and his return to the State forbidden by an act passed February 26, 1779, that continued in force till November 8, 1780.

There has been something said in extenuation of his conduct. It has been truly said he was not a Tory; he had been an efficient friend of the new State, but when the army of Burgoyne swept along the western border and was reported to be marching to the valley of Connecticut River, and but a little force in Vermont to oppose a triumphal march, Colonel Marsh became panic-stricken, and hastened with other disheartened Whigs and a greater number of Tories to seek refuge in Canada. His wife secured her most valuable goods, filling her brass kettle with her pewter ware and silver spoons and sank them in a pond so perfectly safe that she never recovered them. Colonel Marsh, however, returned and was permitted to remain.

Captain Heman Allen was a brother of Ethan Allen and born in Cornwall, Connecticut,

October 15, 1740, and died May 18, 1778, of disease contracted in Bennington Battle; he was a member of the Convention of January 16, 1776, and was its agent to present its petition, to represent the situation of the New Hampshire Grants to the Continental Congress; he was a delegate for Middlebury in the Convention of July 24, 1776, and a member at large with Colonel Seth Warner in the Convention of September 25, 1776, and a delegate for Rutland in the Convention of January 15, 1777, and for Colchester in the Convention of June 4, 1777. He served with Warner in the Canada expedition of 1775, and in July 1777, was appointed a member of the State Council of Safety.

His services were such that he was not brought into quite as prominent notice as his two brothers, Ethan and Ira, but in character and capacity was fully equal to either, and was employed on the most important committees. He attended upon Congress in 1776, and by his tact saved the State from an adverse decision by that body which at that time would have been greatly injurious, if not fatal to the interests of Vermont. A high degree of confidence was reposed in his judgement and ability.

Heman Allen of Milton and afterwards of Burlington was of another line of the Allen family and a son of Enoch Allen, born at Ashfield, Massachusetts, June 14, 1777; he was a member of Congress eight years and died at Burlington December 11, 1844.

Heman Allen of Colchester, known as Chili

Allen, was the son of Heber Allen and nephew of Colonel Ira Allen, and was adopted by Ira on the death of Heman Allen's father; he was born in Poultney February 23, 1779, and was a member of Congress in 1817 and 1818, and resigned in the latter year to accept the office of United States Marshall for the District of Vermont, and appointed Minister to Chili by President Monroe in 1823; he resigned that office in 1829, and died at Highgate April 9, 1852.

Benjamin Carpenter of Guilford was the first delegate of that town in a Vermont Convention of April 11, 1775, at which Convention the government of New York and the massacre at Westminster were condemned; he also was a delegate in the Dorset and Westminster Conventions of 1776, and a committee sent to Windsor in June 1777, to hear the report of the agent sent to Congress concerning the new State. From 1778 to 1791, Guilford was ruled by sympathizers with New York or Tories, but Carpenter steadily adhered to Vermont disregarding personal danger. In December 1783, he was taken prisoner by the Yorkers and carried away, to his great damage. The following inscription on his tombstone gives a description of his person and a history of his services and character, viz:

"Sacred to the Memory
of the
Hon. Benj. Carpenter, Esq.
Born in Rehoboth, Mass., A. D. 1726.
A magistrate in Rhode Island in A. D. 1764.
A public teacher of righteousness,
An able advocate to his last for Democracy,

And the equal rights of man.
Removed to this town (Guilford) A. D. 1770,
Was a field officer in the Revolutionary War,
And founder of the first Constitution and government of Vermont,
A Council of Censors in A. D. 1783,
A member of the Council and Lieutenant-Governor of the State in A. D. 1779,
A firm professor of Christianity in the Baptist Church 50 years.
Left this world and 146 persons of lineal posterity, March 29th, 1804,
Aged 78 years 10 months and 12 days, with a strong mind and full of faith of a more glorious state hereafter.
Stature about six feet—weight 200 Death had no terrors."

JEREMIAH CLARK was born in Preston, Connecticut, in 1733, and came to Bennington 1767, and soon thereafter made his pitch in Shaftsbury where he dwelt about fifty years. He served as Major and took part in the Battle of Bennington with a son sixteen years of age: he was one of the committee who warned the Dorset Convention of January 1776, and was a delegate in several other conventions, served as a member of the Council of Safety in 1777—8, and as Councellor in 1778, to 1780, inclusive; he was Chief Judge of Bennington County Court in 1778, and while serving in that capacity passed sentence of death on David Redding who was the first man executed in Vermont; he died in 1817.

NATHAN CLARK came to Bennington from Connecticut in 1762, and took a prominent stand as a Green Mountain Boy in the controversy with New York, and said to be the author of many of the published papers of the times; he also was chair-

man of the Bennington Committee of Safety and a member of the State Council of Safety and Speaker of the first General Assembly. He lost one son, Nathan Clark Jr., in the Battle of Bennington. Isaac Clark, known as "Old Rifle," was also in that battle and was Colonel in the War of 1812, and distinguished as a partisan leader—he was also the son of said Nathan Clark; he afterwards arose to the position of General; he married Hannah, the third daughter of Governor Thomas Chittenden; he was a good fighter and a very zealous Republican of the school of Jefferson.

He represented Castleton in the General Assembly from 1796, to 1799, inclusive, and was a victim of the so called "Vergennes Slaughter House" in 1798—he having been expelled from the House for an alleged misdemeanor as a member of the committee to canvass votes for State officers. A new election was ordered and he was re-elected by a majority of all the votes in his town, but the Federalists refused to admit him at that session, which, it is supposed, led to the writing of the following lines, viz:

> "Nature has left this tincture in the blood,
> That all men would be tyrants if they could.
> If they forbear their neighbors to devour,
> 'Tis not for want of will, but want of power."

On the expulsion of General Clark there was published in a Republican magazine (a piece written by Matthew Lyon,) the following, viz: "The last political death reported, is that of General Clark—he departed this life the 25th instant, aged 14 days; he died in the defense of that Country

which, through his aid, had given birth to his assassins—his last moments were marked with as much serenity as the celebrated John Rogers' were, and in some degree similar; only the one died for religion, the other for political sentiments, both under the reign of party terror. His parting soul breathed forth a strong and manly hope of a speedy and glorious resurrection of Republicanism."

"When party zeal in public good shall end,
And show the world who is his country's friend;
When Democrats shall rise and reign,
And freedom bless the earth again;
When Tories shall sink down to hell,
Where pandemonium harpies dwell;
Millennial love shall then prevail;
Aristocrats lament and wail;
Republicans rejoice to see
The blest return of liberty;
Vergennes ever will harmless prove,
Or rage a stimulous to love."

The above was written by Lyon when he was in jail at Vergennes suffering the penalty of the alien and sedition act. General Clark was Colonel of the 11th U. S. Infantry March 12, 1812. He also commanded a successful expedition against St. Armand, Lower Canada, October 12, 1813.

Matthew Lyon was one of Vermont's remarkable men; he was born in Wicklow County, Ireland, in 1746, and came to America at the age of thirteen and was so poor he had to indenture his person in Litchfield, Connecticut, to pay his passage—this indenture was sold to Jesse Leaven-

worth (one of the founders of Danville, Vermont,) for a pair of steers. His favorite oath used to be "by the bulls that redeemed me." He was a delegate for North Wallingford in the Dorset Convention of July 24, 1776, being then thirty years of age, and during that year he was Lieutenant in Captain John Fassett, Jr's. company and was stationed at the block-house in Jericho which was abandoned by the men of the company, on the retreat of the Continental Army from Canada.

Lyon reported this fact to General Gates and charged the responsibility mainly on Captain John Fassett Jr., when the officers were arrested, including Lyon. They were tried by court martial for cowardice, convicted and cashiered. This charge was claimed to be unjust on the ground that for forty men to stay at Jericho when our army was retreating before the British up the lake, when every man, woman and child had quit that part of the State, would be sheer fool-hardiness. It appeared afterwards that Lyon opposed the evacuation of the block-house on Onion River and was acquitted of blame.

In Congress, Roger Griswold taunted Lyon for "wearing a wooden sword," and Lyon resented it by spitting in Griswold's face. There was an attempt to expell him from the House for this act, but it failed for want of a two thirds vote. The cashiering of Lyon was not injurious to him in Vermont, however annoying for a time, for he afterwards was made Commissary-General and Colonel and elected twice to Congress. Arlington was a stronghold of the Tories and Lyon with

Thomas Chittenden and John Fassett Jr. temporarily became citizens of that town on that account, and took possession and confiscated property of Tories. Ira Allen was only three miles distant and these four men erected a judgement seat and sat as Council to pronounce woe upon every rebellious Tory.

Here Lyon married, for his second wife, Beulah, widow of Elijah Galusha and the fourth daughter of Thomas Chittenden. For several years he was Clerk of the Court of Confiscation and in 1785, for refusing to produce its records, was impeached by the General Assembly, tried and convicted and sentenced to reprimand and to a fine of 500 pounds, but an application was made for a rehearing which was ordered, and nothing more was done with the affair. General Schuyler restored him to his military rank and appointed him paymaster in Warner's regiment July 15, 1777. In April 1778, he was appointed Deputy Secretary of the Governor and Council; he was also Clerk of the Assembly and Secretary of the Board of War in 1779.

He represented Arlington in the General Assembly from 1779, to 1782, inclusive, and Fairhaven ten years, in 1783—4, and 1787, to 1796. He was elected to Congress in 1796, and re-elected in 1798. He was said to be a terse and vigorous writer and able debater. On July 31, 1798, the Vermont Journal published a letter written by Lyon June 20, of that year and mailed at Philadelphia on July 7, 1798, three days after the sedition act of Congress went into effect. A portion

of this letter was deemed seditious, and Lyon was indicted, tried and convicted in October following. The penalties imposed were a fine of $1000 and imprisonment for four months.

While he was imprisoned he was re-elected to Congress, and when the prison doors were opened in February 1799, he announced that he was on his way to attend Congress at Philadelphia, and thus escaped a re-arrest which his opponents had prepared for him. He took his seat in Congress on February 20, 1799, when Mr. Bayard of Delaware moved to expell him from the House, and urged the matter with a good deal of bitterness. The cause of urging the passage of the resolution of expulsion was that on its passage might depend the fact whether the Federalist should or should not have the vote of the State if the election of president should be thrown into the House in the next Congress, it being known that Lyon was a Republican and the other Congressman from Vermont, Lewis R. Morris, a Federalist. If Lyon could be expelled the Federalists would have a chance to secure the seat on a special election. Bayard's resolution failed for want of a two-thirds vote.

In 1801, the election fell into the House and Thomas Jefferson received the vote of Lyon, and Aaron Burr that of Morris. On the 36th ballot Morris withheld his vote and Lyon voted, for Jefferson, thus giving the vote of Vermont to Jefferson, which was sufficient to elect him. Lyon on one occasion said on a disagreement with Jefferson, "I made him and I can unmake him." At the

end of his term in Congress he removed to Kentucky and was a member of the Legislature of that State, and their member of Congress for eight years, from 1803 to 1811. He petitioned Congress to refund said fine and cost, $1060.90, imposed on him under the sedition act; and after a delay of thirty years an act was passed July 4, 1840, refunding the amount to his heirs with interest.

He was a man of great business capacity. At Fairhaven he built the Lyon Tavern House prior to 1787, and the first store there, in 1791; he built the Lyon Iron Works in 1785, Lyon's Paper Mills in 1791, manufacturing paper from bass wood, and built the first grist mill prior to 1795, and a saw mill in 1797; he established a printing office and started the third newspaper in Vermont, "The Farmer's Library," in 1793. He continued his business enterprises in Kentucky.

Colonel Joseph Fay, who was the brother of Jonas, was born in Hardwick, Massachusetts, about 1752, and came to Bennington in 1766. He was Secretary of the Council of Safety from September 1777, to March 12, 1778, and of the State Council from March 1778, to 1794, and Secretary of State from about November 1778, to 1781, and member of the Board of War. He was associated with Ira Allen in the famous negotiations with General Haldimand. He removed to New York City in 1794, and died there of yellow fever in October 1803.

Moses Robinson was son of Samuel Robinson, Senior, the pioneer settler of Bennington, who

went in December 1765, as agent of the New Hampshire grantees to petition the King for relief against the government of New York, and died in London, October 27, 1767. Samuel, the father of Moses, was born in Cambridge, Massachusetts, in 1605; the name of the grandfather of Moses was also Samuel Robinson, who was born in Bristol, England, in 1668, and he claimed descent from Rev. John Robinson, "the father of the Independents," who was pastor of the Pilgrims before they sailed from Holland in the Mayflower in August of 1620.

Moses Robinson was born in Hardwick, Massachusetts, March 26, 1744, and came to Bennington with his father in 1761. He was the first Town Clerk of Bennington, chosen in March 1762, and held the office nineteen years; as Colonel of militia, he was with his regiment at the evacuation of Ticonderoga and Mount Independence in July 1777; he was a member of the Council of Safety in 1777—8, and Councillor eight years to October 1785, and served as a member of the Supreme Court, in all, ten years and elected Governor in 1789, by the Joint Assembly, there having been no election by the people. He was elected one of the United States Senators in 1791, and held the office till 1796, when he resigned.

He was said to be a man of piety. On one occasion there being a delay in business, he proposed spending the time in prayer-meeting, which was agreed to; and in one prayer-meeting he invited the two deacons to offer prayer, but he was unsuccessful and performed the duty himself, commenc-

ing with an open confession: "O, Lord! Thou knowest we have come up here this afternoon to worship Thee, and we are cold and luke-warm as it were,—I fear at least some of us are!" He united with the church June 20, 1765, and was elected deacon May 22, 1789, which office he held until his death, May 26, 1813.

Doctor Jonas Fay was son of Stephen Fay, and was born at Hardwick, Massachusetts, January 17, 1737, and removed to Bennington with his father in 1766. He was prominent and an influential man in the contest with New York and the mother country, and could wield the pen as well as the sword; he was Clerk of the Convention of settlers in March 1774, and of many other Conventions subsequently held in the interest of the New Hampshire Grants and Vermont. On the declaration of Vermont's independence in 1777, he was one of the committee to prepare and present to Congress the declaration and petition of the State, and was an agent of the State on several occasions to manage the affairs of the State in Congress.

At the age of nineteen he served in the French War during the campaign of 1756. He was with Ethan Allen as surgeon in the capture of Ticonderoga in May 1775, and served in the same capacity in Warner's regiment. In July 1775, he was appointed by the Massachusetts committee at Ticonderoga to muster the troops as they arrived; he was a member of the Council of Safety in 1777—8, and then of the State Council for the first seven years, and was Judge of the Supreme

Court; he was Judge of the Probate Court for five years from 1782 to 1786. He resided for a while after 1818, in Charlotte and Pawlet, and died in Bennington, March 6, 1818.

Lieutenant James Breakenridge of Bennington has a conspicuous place in the history of the controversy with New York. At first he seemed to stand firm against the encroachments of the New York authorities. On his farm the first attempt was made to enforce the authority of New York October 19, 1769, but the New York authorities were overawed by the hostile appearance of many of Breakenridge's neighbors who with Breakenridge were indicted as rioters in the court at Albany. In July 1771, another attempt was made at the Breakenridge farm to enforce the New York authority, but it failed.

Governor Hall says, "in fact, on the farm of James Breakenridge was born the future State of Vermont." Breakenridge was appointed one of the agents to represent to the King the grievances of the claimants under the New Hampshire Grants; on January 17, 1776, he was one of the agents appointed to represent the case of the Grants to the Continental Congress; he was frequently denounced by the Yorkers as a rioter and was proscribed with others in the New York riot act of 1774.

He was of Scotch-Irish descent, and it was said he was scrupulous about bearing arms against the King; as Burgoyne with his splendidly equipped army swept along the western border of Vermont Breakenridge thought it would be vain to

make further resistence, and fled to the protection of Burgoyne as many other residents of Vermont did in 1777. He was sentenced to banishment within the enemies' lines by Vermont. He applied for relief, which was granted. He finally re-acquired citizenship in Vermont, and it is said adorned it by an honorable life.

Lieutenant Leonard Spaulding was a resident of Putney in 1768, and from the outset was a sturdy enemy of Loyalists and Yorkers, and consequently a favorite with the Whigs and Green Mountain Boys. In 1771, when his property was seized by an officer to satisfy a judgement recovered against him in a New York court, a large party from New Hampshire crossed the river into Putney, broke open the enclosure and rescued his property. In 1774, he had become a citizen of Dummerston and he was so free with his Whig sentiments that he got special attention from the royal authorities.

He threw out words unfavorable to the British tyrant and was imprisoned therefor for high treason, but his friends opened the prison-door and let him go. The imprisonment in no way dampened his patriotic zeal and he was conspicuous among those who resented the Westminster massacre by arresting the royal officers; he was a delegate in all the Conventions beginning with that of September 25, 1776, and represented Dummerston in the General Assembly of March 1778, and for the years 1781, 1784, 1786, and 1787.

Benjamin Wait, though not recognized as a leader, left a record remarkable for military and

civil services. He was born in Sudbury, Massachusetts, February, 13, 1737, and at the age of eighteen entered the military service under the British General Amherst and performed important military service in the English-French War. At twenty-five years of age he had been engaged in forty battles and skirmishes and had his clothing perforated many times, but received no wound. He settled in Windsor in 1767; in 1769, was employed to arrest depredators upon the King's timber.

In 1770, identified himself decidedly with the Green Mountain Boys. In February 7, 1775, he was the sole delegate from Windsor in the Whig Convention of the County of Cumberland. Although an avowed opponent of New York in the controversy about jurisdiction and land titles he with some others offered to aid New York in raising of a regiment of good, active, enterprising soldiers "to keep under proper subjection regulars, Roman Catholics and the savages at the northward," and to defend their own rights and privileges against ministerial tyranny and oppression; he was commissioned by New York as Captain in a battallion of rangers, and on September 3, 1777, was appointed Major, by Vermont, in Herrick's regiment of rangers, and he commanded that part of it which in connection with Colonel John Brown swept the British from the north end of Lake George and from Ticonderoga, and he was complimented for this spirited conduct by the Council of Safety.

On November following he was ordered to take

possession of Mount Independence. On February 10, 1778, he was authorized to co-operate with Colonel Herrick in raising 300 men for an intended expedition to Canada under General Lafayette; he was appointed Sheriff of Windsor County, which office he held for about seven years. The General Assembly resolved, on November 27, 1779, that North and South Hero in Grand Isle County should be granted to him and his company, which grant was voted by the Governor and Council November 11, 1779.

He performed various services for good order in the State and was wounded in quelling an insurrection in Windsor County. When "the piping times of peace" came the General Assembly complimented him in electing him to the office of Brigadier-General. The township of Waitsfield was chartered to him and Roger Enos and others February 25, 1782, and Wait was the first settler in 1789, and the first representative and held that position by successive elections from 1795, to 1802, inclusive. He was truly the father of the town, and it bears his name. General Benjamin Wait died in 1822, aged 86 years.

Samuel Herrick came to Bennington about the year 1768, but left the town and State soon after the close of the Revolutionary War. While in Vermont the record of his life was honorable. In May 1775, he was one of the Captains who joined the expedition for the capture of Ticonderoga and Crown Point. He was appointed Colonel of Vermont rangers in July 1777, and in August of the same year led the attack on the rear of

Brown's right in the Battle of Bennington, and in September following his regiment with Colonel Brown's troops gained the command of Lake George, dispossessed the enemy of Mount Independence, Defiance, and Hope, and forced their retreat from Ticonderoga. Subsequently Herrick was Colonel of the south-western regiment of Vermont militia.

Rev. Samuel Williams, L. L. D., was born in Waltham, Massachusetts, about 1740; graduated at Harvard in 1761; was ordained minister of Bradford, Massachusetts, November 20, 1765; he afterwards was professor of mathematics and natural philosophy in Harvard. He removed to Rutland, Vermont, about 1788, and was elected to the General Assembly in 1783, and was 14 years a member of the House; he was a member of the Governor's Council in 1795 to 1798, inclusive; he was a Judge of the County Court from 1790 to 1797, inclusive, and in 1794, he preached the election sermon.

At one time he was editor of the Rutland Herald that was established in 1792, and published in 1794, a one volume History of Vermont and extended it into two volumes in 1808; in 1795—6, he published the Rural Magazine. He was one of the founders of the University of Vermont. John Wheeler, the President of the University, said in an historical discourse August 1, 1854, that "the creative mind of Dr. Samuel Williams had worked for the University of Vermont and in it." He was the most learded man of Vermont in his day. He died in January 1817.

Colonel Joseph Bowker was a prominent man in public affairs in Vermont during the few years he lived. E. P. Walton states in a notice of him that, "with two exceptions he was President of every General Convention" while he was in the State. He was the first representative elected from Rutland and was elected Speaker of the House. The same year when the votes for Councillor were canvassed it was found he had been elected to a seat in the Council. To that body he was elected seven times and till his death. He was the first Judge of Rutland County Court, which office he held till December 1783; he was the first Judge of Probate and held that office till his death in 1784. He was patriotic and popular. It is said he left no heir and no stone to mark his grave.

Captain Justus Sherwood of New Haven. John Munro named him as one of the party who rescued Remember Baker in 1772. He was proprietor's clerk of that town from their first meeting in 1774, until 1776, when he removed to Shaftsbury on account of the War. At that time he was an avowed Loyalist and was punished as such at Bennington. He was so exasperated at this that he raised a company of Loyalists and joined the British army in Canada. He was employed by General Haldimand in the negotiations with Vermont in 1780, and 1783.

John Munro, Esq., of Shaftsbury held a magistrate's commission under New York. The Green Mountain Boys were in the habit of chastising Yorkers who interfered offensively with the affairs of the Grants. Munro's house had been visited by

them who fired into it, so alarming him that he fled for safety to New York. He there gathered a posse of about a dozen men, repaired to the house of Remember Baker of Arlington to arrest him under Governor Tryon's proclamation. They broke into Baker's house about day light March 22, 1772, wounded Baker and his wife, maltreated his children and retired into New York with Baker as prisoner.

An alarm was spread among the Green Mountain Boys, and they pursued Munro and his posse, rescued Baker and restored him to his family. Munro remained quiet till 1777, when he fled to Burgoyne's camp and the Vermonters confiscated his property; he was proscribed by the Vermont act of February 26, 1779. The Council of Safety gave permission for Munro's wife, January 30, 1778, to remain in possession of his farm till further order, and on August 17, 1777, gave her liberty to take and use one of her riding horses by sending to Bennington for it, till the Council should send for it.

General John McNeil of Charlotte was a Loyalist but took the oath of fidelity and was permitted to remain in the State and was reckoned as an honorable citizen. He was one of the first settlers of Tinmouth where his residence was in 1777, when his property was confiscated. He resided for a while in Bennington with James Breakenridge, a Loyalist. He removed to Charlotte from Bennington. McNeil was the first Town Clerk of Charlotte, elected March 13, 1787, and its first representative; he was elected and

served as representative in 1788, 1789, 1790, 1792, 1793, and 1796; Judge of Probate in Chittenden County for three years from 1787 to 1789, inclusive, and Judge of the County Court five years from 1789 to 1793, inclusive; he was a delegate in the Convention of 1791, which adopted the Constitution of the United States; and of 1793, which re-arranged the Constitution of Vermont. McNeil's ferry from Charlotte to Essex, N. Y., perpetuates his name.

Jesse Welden was the first settler in St. Albans but was driven off during the Revolutionary War, and, it is said, he was taken prisoner by the British, and escaped and returned to St. Albans in 1785.

Colonel James Mead of Rutland was a member of the Dorset Convention of September 25, 1776, and one of the committee appointed by the Windsor Convention in June 1777, to arrange with the commander at Ticonderoga for the defense of the frontier; and was Colonel of the third regiment of militia.

Brigadier Moses Hazen was at the opening of the Revolutionary War a resident of Canada drawing half pay of a Captain from Great Britain for previous military service. His property was used by General Montgomery for military purposes in his Canada campaign. On application the Continental Congress made compensation for his loss of half pay, and he entered the Continental service and raised a regiment in Canada, but in the retreat of 1776, he left Canada; he served through the war in the different fields of

service and was made Brigadier-General by brevet, June 2, 1781.

His name was prominently connected with the building of the "Hazen road," that was commenced by General Bayley in 1776, and continued by Hazen in 1779, from Peacham through Cabot, Walden, Hardwick, Greensboro, Craftsbury, Albany and Lowell to "Hazen's Notch," in Montgomery—a road about fifty miles in length.

COLONEL JOSEPH MARSH, the subject of this sketch, was a descendant from Joh nMarsh who came from England to Massachusetts in 1633, and to Hartford, Connecticut, in 1635; Joseph Marsh who settled in Lebanon, Connecticut, in 1697, was the grandson of said John. The grandson of said Joseph was the first Lieutenant-Governor of Vermont, Colonel Joseph Marsh of Hartford, Vermont, the subject of this sketch. He was born in Lebanon, Connecticut, January 12, 1726; he went to school but a single month and his advantages from books were limited, but he mastered what he read and held it with a tenacious memory; he had a close, logical mind and exceedingly interesting in conversatioa and free from bigotry.

In person he was of large stature, well proportioned, broad shouldered, large boned, lean and of great muscular power and weighed over 200 pounds. His dress was of the Washington pattern, and a bold and graceful horseman. He married Dorothy Mason January 10, 1750, the sister of Colonel Jeremiah Mason of Lebanon, Connecticut. Colonel Marsh settled in Hartford, Vermont,

in 1772; that town was then embraced in Cumberland County under the jurisdiction of New York.

He was a member of the Provincial Congress of New York in 1776, but was absent much of the time. In July of 1777, his regiment of which he was Colonel came under the jurisdiction of Vermont, and on August 13, 1777, he was ordered by the Council of Safety to march one half of his regiment to Bennington. He was at Hartford at the time and probably was not in the Battle of Bennington on the 16th of August, as there was not time to get his men there after he received his order.

He was a member of the Windsor County Convention of June 4, July 2, and December 24, 1777, and was Vice-President thereof. In March 1778, he was elected Lieutenant-Governor and re-elected in 1779, and annually from 1787, to 1790. For a time was chairman of the Court of Confiscation for Eastern Vermont. He was chairman of a Committee of Safety for a section of Vermont; he represented Hartford in the General Assembly in 1781—2; one of the first Council of Censors in 1785, and nine years Chief Judge of Windsor County Court from 1787, to 1795, inclusive—it being his last public office. He died February 9, 1811.

Colonel Timothy Brownson came from New Framingham, Connecticut, and the first permanent settler in Sunderland in 1776. He was prominent in the civil affairs of the State and one of the most trusted advisers of Governor Chitten-

den, a delegate in the Conventions of January 16 and September 25, 1776, and member of the Convention which adopted the Constitution, and Councillor for many years. He was one of the eight persons named by Governor Chittenden as having been cognizant of the Haldimand negotiations, and a member of the Convention of 1791, which adopted the Constitution of the United States.

Benjamin Emmons left Chesterfield, New Hampshire, his former home, and settled with his family in Woodstock, Vermont, in April 1772, and took an active part in organizing the new settlement, and at the first town meeting held in May 1773, he was chosen Supervisor; he became familiar with the civil affairs of Cumberland County and with all the political movements of the day. At the annual town meeting in Woodstock, May 1775, he was a member of the Committee of Safety, and in June 1776, he became a member of the County Committee of Safety. His political sentiments were clear and pronounced; he was for the independence of the Colonies as against the mother country, and for the independence of the Grants as against New York.

He was on a committee to canvass Cumberland and Gloucester Counties for the purpose of stirring up the minds of the people to favor the separation from New York, and a member of the several Conventions as delegate from Woodstock, including the Convention that framed a Constitution for the new State of Vermont. He was elected one of the first twelve Councillors under

the Constitution and one of the members of the Court of Confiscation; in 1781, he was Assistant Judge of Windsor County Court, and was a member of the Council from 1779 to 1786. He represented Woodstock in the General Assembly eleven years; his last election was in 1803. He was instrumental in making Woodstock the shire town of Windsor County.

He was chosen in 1791, a member of the Convention which adopted the Constitution of the United States and one of the Council of Censors for 1799. As a Justice of the Peace, his judgement and equity made his work abundant and his name famous. As money was scarce in those days and neat stock was used largely in payment of debts, he was the man to whom many went, for years, to fix the price at which stock should be received. In 1806, his children who had settled in the West persuaded him, soon after, to follow them, but he died six weeks after reaching the promised land in 1811, at about the age of 86 years.

Thomas Murdock of Norwich was a member of the Westminster Convention of January 15, 1777, and of the Windsor Convention of June 4, 1777; Councillor and member of the Court of Confiscation in 1778, and until October 1779, Judge of the Windsor County Court 1782, to 1787, and represented Norwich in 1780 and 1782, and then retired to the pleasures of private life; and died at Norwich in 1803.

General Peter Olcott was an eminent man of Norwich and active in both civil and military affairs of the State, and in May 1777, he was ap-

pointed by New York Commissioner to receive the property of those who had joined the enemy, the British, and in 1778, he performed similar service for Vermont as one of the Court of Confiscation for Eastern Vermont.

He was a member of the Windsor County Conventions of June, July, and December of 1777, which adopted the Constitution. In 1777, he commanded a regiment in Gloucester County. He was Councillor from the first session till October 1779, again in 1781 to 1790; Lieutenant-Governor in 1790 to 1793, and Judge of the Supreme Court from 1782 to 1784, and died at Norwich in September 1808.

THOMAS CHANDLER, JR., was born at Woodstock, Connecticut, September 23, 1740, and came to New Flamstead (now Chester) with his father in 1763, and elected Secretary of State by the General Assembly March 13, 1778, and took the oath of office and commenced service as Secretary of the Council at that time. He was appointed Town Clerk in March 1763, at a meeting of the proprietors held at Worcester, Massachusetts, and held the office until March 1780; on July 16, 1766, he was appointed by New York Assistant Justice of the Inferior Court of Common Pleas for Cumberland County, and he held the office till after the Westminster massacre; he was delegate in the Westminster Convention in October 1776, and January 1777.

He was elected to the first General Assembly in March 1778, and from 1778 to 1781, and in 1787, and was Clerk of that body in March 1778, but

resigned both positions to be Secretary of State. He was Speaker of the House from October 1778, to 1780, resigning in the middle of the session of 1780, on account of charges affecting his character, for which he brought a libel suit and recovered damages. He was Judge of the first Supreme Court, elected in October 1778, and of the Windsor County Court in 1786. He was reduced to poverty by sickness in his family and an act of insolvency was granted him October 15, 1792. He was the son of Thomas Chandler, Senior, who was Chief Judge of the royal Court at Westminster that was overthrown after the massacre.

Captain Remember Baker was born in Woodbury, Connecticut, in June 1737, and married Desire Hurlbut April 3, 1760. His father's name was also Remember, and his grandfather was John Baker of Ancient Woodbury, Connecticut. The father of Captain Baker was brother to Mary Baker, the wife of Joseph Allen, the father of General Ethan Allen. At the age of eighteen Captain Remember Baker served in an expedition against Canada and thus acquired knowledge of western Vermont, which, doubtless, was one of the means of attracting the Allen family to the New Hampshire Grants.

The Captain settled in Arlington in 1764, and in 1771, he was appointed one of the Captains in the military force under the command of Ethan Allen to resist New York; he was at the capture of Ticonderoga and Crown Point in May 1775; he went in July 1775, on a reconnoitering expedition to Canada, by direction of General Schuyler,

and while in that service, in August, he was killed in a skirmish with the Indians near St. Johns; he fell at the age of thirty-five. Ira Allen, as his administrator, settled his estate. As a neighbor he was distinguished for his kindness, and his memory was held dear by many families whose distresses he had generously relieved.

He took a prominent part in the controversy with New York and in favor of the independence of the American Colonies. He was one of those whom Governor Tryon of New York in 1771, issued a proclamation offering a reward of 20 pounds each for their apprehension for their riotous opposition to the New York government. On February 5, 1772, Ethan Allen, Remember Baker and Robert Cochran issued a retaliatory proclamation as follows, viz: "Whereas James Duane and John Kempe of New York have by their menaces and threats greatly disturbed the public peace and repose of the honest peasants of Bennington, and the settlements to the northward, which peasants are now and ever have been in the peace of God and the King, and are patriotic and liege subjects of George III. Any persons that will apprehend those common disturbers, viz: James Duane and John Kempe, and bring them to Landlord Fay's at Bennington shall have 15 pounds reward for James Duane and 10 pounds for John Kempe."

The reward was to be paid by those who issued the proclamation. Captain Baker as an officer and soldier was cool and temperate in council, but resolute and determined in the execution of his

plans. Baker was captured in 1772, by a New York party led by John Munro, but was rescued by the Green Mountain Boys. The part that Baker took in the struggle against New York has been frequently referred to in this and the previous volume, to which the reader is referred for further particulars of his public services and pioneer life.

CHAPTER XX.

BIOGRAPHICAL SKETCHES OF PIONEERS OF THE NEW HAMPSHIRE GRANTS AND VERMONT.

CONTINUED.

WILLIAM GALLUP of Hartland was a delegate in the Convention of Windsor, June 4, 1777, and was one of the 71 delegates of the Conventions that met at Dorset and Westminster and Windsor in 1776 and 1777, the members of which declared Vermont a free and independent State; he was for many years a member of the General Assembly and died August 1803, aged 69 years.

JOHN PETERS was born in 1740, and came from Hebron, Connecticut. He was a most devoted Loyalist, and doubly distasteful to Vermonters as a Yorker and a Tory. He resided in Mooretown, (now Bradford) and was moderator of the first town meeting. He held the office of Justice of the Peace under appointment from New York in 1770 and 1774, and appointed commissioner to administer oaths March 17, 1770, and again April 10, 1772, and Assistant Judge of the Inferior Court of Common Pleas, and County Clerk March 17, 1770; and in February 1771, he set out with Judge John Taplin and the Sheriff to hold Gloucester County Court in Kingsland (now Washington).

He gave the following account of his search for a Court or the place to hold one, viz: "On February 25, 1771, we set out from Mooretown for Kingsland traveling until night, there being no roads and the snow very deep we traveled on snow shoes or rackets. On the 26th, we traveled some ways and held a council, when it was concluded it was best to open Court. As we saw no line it was not known whether in Kingsland or not, but we concluded we were far in the woods, and did not expect to see any house unless we marched three miles within Kingsland, and no one lived there, when the Court was ordered to be opened on the spot."

He built the first saw mill in Bradford in 1772, on the south side of Waits River. He went to Canada finally and raised a corps called the Queen's Loyal Rangers, of which he became Lieutenant-Colonel. When peace was declared he retired to England and died at Paddington of gout in the head and stomach in 1788. His property was confiscated. A notice of him read as follows, viz: "Rebellion and loyalty are alike fatal to some families, and alike prosperous to others."

Colonel Elisha Payne of Cardigan, New Hampshire, took an active part in Vermont affairs. His great influence was exerted in forming the unions of the towns in western New Hampshire west of the "Mason Patent" with Vermont, and put forth his best endeavors to prevent the dissolution of those unions with Vermont after they were formed. He appeared as a representative from Cardigan in the General Assembly of

1778, and chairman of committee raised to canvass the votes for State officers and Councillors. The canvass showed he was elected Councillor by the people, but he refused to accept as he thought he could be more useful in the House in opposing the dissolution of the union with the New Hampshire towns; he served as Lieutenant-Governor in 1781, at a critical period of the history of the State.

There was a Convention of 43 towns of New Hampshire held at Charleston January 16, 1781, and another at Cornish, soon after, in New Hampshire in the interest of those towns in uniting with Vermont, and he was one of the committee appointed at those Conventions to wait on the General Assembly of Vermont. And on February 10, 1781, he addressed the Assembly asking for the union with Vermont and continued his efforts till it was consummated April 5, 1781; he took his seat in the Assembly as representative from Lebanon, in which town he resided till he died; he was elected Judge of the Supreme Court in October 1781; and on January 10, 1782, he was appointed delegate to Congress.

On December 14, 1781, Governor Chittenden ordered Lieutenant-Governor Payne, as Major-General, to call out all the militia in eastern Vermont, if need be, to resist any forcible attempt of New Hampshire to regain jurisdiction over the annexed towns. He was ordered to repel force by force; he wrote a conciliatory letter, though firm in tone, to President Weare who had got much aroused by the action that Vermont had taken,

which letter served to delay any military movement of New Hampshire, and peace was preserved. As soon as the unions were dissolved he adhered to his State. Two of Colonel Payne's daughters spent their lives in Vermont: Mary, wife of Abel Wilder of Norwich and Ruth, wife of Captain Nathan Jewett of Montpelier.

William Patterson came to Westminster about 1772, under the patronage of Crean Brush, another notorious Yorker and Tory. Patterson was of Scotch-Irish descent and born in Ireland, made Sheriff of Cumberland County by New York in 1773. His first offense was the arrest and imprisonment of Leonard Spaulding, the hero of Dummerston, October 1774, because he said that the Quebec Bill "made the British tyrant, Pope of that government." Spaulding was released by the interposition of the Whigs. Patterson's next act in the interest of New York was heading the Tory crew at the massacre at Westminster.

Micah Townshend was born on Long Island, May 13, 1749, highly educated at Princeton, New Jersey. He was admitted to the bar of New York in April 1770, and settled at White Plains, Westchester County; Clerk of the Committee of Safety for that County; appointed Captain of a militia company raised to combat Tories. He removed to ~~Benaington~~ August 15, 1778, and married Mary, the daughter of Colonel Samuel Wells. For a short time he served the adherents of New York, but soon was convinced that that course was unwise and took the oath of allegiance to and became a citizen of Vermont.

In 1781, he was made Judge and Register of Probate for the County of Bennington and held these offices until 1787; also in the year 1781, he was made Secretary of State and held that office till he resigned October 21, 1788, when the General Assembly commended him "for the fidelity and skill with which he had discharged the duties of that office." He disposed of his property to Hon. Royal Tyler in 1801, and removed to Guilford, and after one years residence there removed to Farnham, P. Q., where he died April 23, 1832. His reputation as a lawyer was high and he was greatly esteemed as a man.

JOHN FASSETT, JR., after he came to Vermont was much of the time in the public service of the State. He was born in Hardwick, Massachusetts, June 3, 1743, and came to Bennington with his father, Deacon and Captain John Fassett in 1761, and removed to Arlington in 1777, and from there to Cambridge in the summer of 1784; he was Lieutenant in Warner's first and Captain in Warner's second regiment in 1776.

In 1777, he was one of the commissioners of sequestration; he was elected representative of Arlington in the General Assembly for 1778 and 1779, and for Cambridge in 1787, 1788, 1790 and 1791, and elected Councillor in 1779, and was Councillor for 15 years and until 1795. He was Judge of the Supreme Court eight years, from 1778 to 1786, and seven years Chief Judge of Chittenden County Court. He was one of the leading men who approved of the Haldimand Correspondence entered into to save Vermont from invasion by the British forces from Canada.

JOHN THROOP of Pomfret was commissioned a Justice of the Peace when that town was organized in 1773, a delegate in the Convention at Windsor of June 4, 1777, and of the Convention of July and December following, and was also Councillor; a member of the House in 1787 and 1788; Judge of Probate in 1783 to 1792; Judge of the Court of Confiscation in October 1779, and of the Supreme Court from 1778 to 1780, inclusive, and in 1782.

SAMUEL FLETCHER was born in Grafton, Massachusetts, in 1745, and was a soldier in the old French War, afterwards learned the trade of blacksmith and removed to Townshend about 1772; married the daughter of Colonel John Hazeltine formerly of Upton, Massachusetts, a lady of fortune. Mr. Fletcher joined the army and was at the battle of Bunker Hill. In 1776, he was elected Captain of militia, and in 1777, his entire company volunteered to reinforce the army at Ticonderoga. On that expedition, he with thirteen men attacked a British party of forty men, killed one and took seven prisoners without sustaining any loss.

In 1778, he joined his fortunes with the new State of Vermont, and became Colonel of a Cumberland County regiment, and was afterwards raised to the rank of Major-General. He was in the Battle of Bennington and served in the campaign against Burgoyne until he surrendered; he was a delegate to the Vermont Convention of July 1776, and was one of the committee to treat with the inhabitants on the east side of the mountains

as to associating with the delegates of said Convention; he was an active member of the Conventions of October 1776, and of January 1777, that declared the independence of Vermont; a member of the three first General Assemblies, and also again in 1807; he was Councillor from 1779 until 1790, and also in 1808 and 1813.

From 1788 to 1806, he was the Sheriff of Windham County, and Judge of the County Court in 1778, 1783, 1784 and 1786, and a member of the Board of War in 1781. He died September 15, 1814. General Fletcher was a man of enterprise, industry and skill and a valuable public officer; he was a fine writer, elegant in manners, bland and refined in deportment, hospitable and a perfect gentleman.

Luke Knowlton (who received the appellation of "Saint Luke") was born in Srewsbury, Massachusetts, in 1737; he was a resident of Newfane in 1772, and received $249.53 of the $30,000 paid to New York by Vermont to settle the controversy between those States. On the organization of the town, he was chosen Town Clerk and held the office sixteen years, and in April 14, 1772, was appointed by New York one of the justices of the peace for Cumberland County, and one year from June 1776, a member of the Cumberland County Committee of Safety; he next appeared as agent for that County against Vermont in Congress, and he was recommended for that service by Governor Clinton and described as a gentleman of "penetration and

probity," but Knowlton soon changed his opinion on the Vermont question.

Ira Allen was in attendance on Congress in the interest of Vermont at the same time that Knowlton was there, and it is supposed Allen's influence and the information that Knowlton got there convinced him that his duty lay in another direction. It was there that a plan was laid between two persons to unite all parties in Vermont, and call a Convention of delegates of all parties interested to meet at Walpole, New Hampshire, November 15, 1780, and Knowlton was one of the men named who initiated measures to bring about this proposed Convention and another one to meet at Charleston, January 16, 1781.

This Convention resulted in consummating the east and west unions with Vermont. In 1782, Knowlton and Samuel Wells of Brattleboro assisted in exchanging views between General Haldimand and the British agent in New York City, which was undoubtedly with the assent of the Vermont authorities, as it is now known that Vermont was then carrying on a correspondence with General Haldimand who had to consult with the British commander and his agents in New York City.

On complaint made to General Washington and through him to Congress, Congress by resolution ordered Knowlton and Wells to be arrested, but they escaped, it was thought, through the aid of Ethan and Ira Allen. On November 16, 1783, a party of a dozen adherents to New York arrested Knowlton, ostensibly on account of said

order, but let him go after taking him over the Vermont line into Massachusetts.

He represented Newfane in the General Assembly in 1784 to 1789, excepting the year of 1787, for five years; he was a member of the Council from October 1790, to October 1801, eleven years, and a member of the Convention of 1793; Judge of Windham County Court from 1787 to December 1794, and in 1802, fifteen years, and Judge of the Supreme Court in 1786; he was represented as a leading character, and a man of great ambition and enterprise, but of few words, though a man of the keenest perception.

Doctor Jonathan Arnold was born in Providence, R. I., December 14, 1741; he was a member of the Assembly of that State in 1776, and the author of the act of that State, repealing the law requiring the oath of allegiance to the mother country, and their member of the Continental Congress from 1782 to 1784, and surgeon in the Revolutionary Army. After the War he removed to St. Johnsbury, Vermont, and was its first Town Clerk in 1790, and was one of the Governor's Council at the time of his death; he was one of the Judges of Orange County from 1793, until his death February 1, 1789. He had two sons, Josiah Lyndon and Lemuel Hastings, the first born in Providence, R. I., and the other at St. Johnsbury. It was said of Dr. Arnold that he was

> "Slave to no sect, who takes no private road,
> But looks thro' Nature up to Nature's God—
> And knows where Faith, Law, Morals all began,
> All end—in Love of God, and Love of Man."

Colonel Ebenezer Crafts came from Sturbridge, Massachusetts, and was a graduate of Yale College in 1759; he removed to Vermont in 1791, and died in 1810. He was one of the grantees of Minden (now Craftsbury), and was the father of Governor Samuel C. Crafts.

Joseph Tyler was a patriot from the opening of the Revolutionary War. He came from Upton, Massachusetts, and commenced the first settlement in Townshend, 1761; he was first Major of a regiment of minute-men. He was a delegate for Townshend in Cumberland County, and Committee of Safety from June 1776, to June 1777, when the people of his town instructed him not to act in that capacity under the new Constitution of New York, as their town did "not belong to the jurisdiction of that State." It does not appear as he acted longer in the interest of New York. He was appointed by the Westminster Convention one of a committee to obtain signatures in Cumberland and Gloucester Counties pledging the signers to opposition to Great Britain. In February 1781, he was made a member of the Vermont Board of War. He represented Townshend in the General Assembly in 1783 and 1784.

Captain John Stark of Pawlet came from New Hampshire previous to 1770, and was a cousin of General John Stark, and commanded a company in the Battle of Bennington. He was Judge of Bennington County Court, Rutland shire, from March 1778, to December 1779, and was one of the grantees of the "Two Heroes" which included Grand Isle; he removed to Grand

Isle about the year 1800, and soon after was killed by a kick of a horse. He had one son Samuel and twelve daughters. His son Samuel removed to Oswego County, New York, and had ten daughters before he left Vermont.

SAMUEL KNIGHT came first to Brattleboro and later to Guilford, and was commissioned attorney in "His Majesty's Court of Record" in Cumberland County June 23, 1772, and appointed by New York commissioner to administer oaths of office; his profession brought him to Westminster at the time of the massacre and the coroner's jury named him among the murderers of William French, but he was not personally engaged in the assault, and was not arrested with others of the Tory party; he left the place and did not return to Brattleboro until March 1776.

He took no active part in the Revolutionary struggle, but strenuously favored New York in the controversy with Vermont down to 1778. He finally became satisfied that New York was not going to succeed and submitted to Vermont authority and was appointed a Justice of the Peace in the latter State; he was Judge of Windham County Court four years; Judge of the Supreme Court from 1789 to 1793, and represented Brattleboro in 1781 to 1785, inclusive. He was a man of great abilities and "an honest man, the noblest work of God."

NOAH SABIN came to Putney in 1768, and was its first Town Clerk, 1770. In April 1772, he was appointed by New York, Judge of the Inferior Court of Common Pleas and Justice of the Peace

for Cumberland County, and was one of the Judges at the time of the Westminster massacre, and was earnest to have the Court go on, and discountenanced all opposition of the people to the Court and the royal authority in the County; he therefore was very unpopular with the Whigs, and for a while his life was in danger; he was denounced as a murderer because of his official connection with the Westminster affair, and arrested by the Committee of Safety, and confined to his farm on the penalty of death at the hand of any man who should find him outside of its limits.

On December 7, 1778, the church at Putney refused to receive him to the communion on account of his political opinions, but in April 1784, he was admitted to the communion after he submitted to Vermont, and was also appointed Judge of Probate; he was also Judge of Probate from October 1786, to October 1801. He died March 10, 1811, in his 96th year. He was said to be a conscientious man.

General John Strong was born in Salisbury, Connecticut, in 1738, and settled in Addison in 1766; he was captured by a party of British and Indians, but was paroled by General Frazer. He went to Dorset and lived there with his family till 1783, when he returned to Addison. He represented Dorset from 1779 to 1783, and Addison from 1784 until 1787. He was Assistant Judge for Bennington County in 1781 and 1782, and Chief Judge for Addison County from 1785 until 1801; he was Probate Judge for Addison County from 1786 to 1802, and member of the Council

from 1786 until 1803, and also a delegate in the Convention of 1791. His death occurred in June 1816.

Colonel William Williams came from Northboro, Massachusetts, to Marlboro, Vermont, in 1769, and moved to Wilmington previous to 1777; he represented Wilmington in the Convention at Windsor which adopted the Constitution, and was appointed by that Convention to procure arms for the State. He served in the "French War" which ended in the treaty of peace signed at Paris February 10, 1763; in June 1775, he offered his services to New York with Benjamin Wait and others to raise men in defense of Cumberland County against "regulars, Roman Catholics and savages at the northward;" he distinguished himself as commander of a regiment at the Battle of Bennington.

He was representative of Wilmington in the General Assembly from October 1779, to October 1781. In 1782, he was again a resident of Marlboro, and after the close of the Revolutionary War removed to Lower Canada where he died in 1823. B. H. Hall says, "as an officer he was brave, energetic, skillful and humane; as a citizen, active, enterprising and progressive; he was held in high estimation by the inhabitants of the various towns in which he dwelt, and though of a wandering disposition he could easily accommodate himself to any circumstances in which he might be placed."

Judge Israel Smith settled in Thetford in 1766, and was an active man in town and county

affairs and favorable for national independence. He represented the town many years in the General Assembly, and held the office of Judge of Probate and County Judge, first Assistant Judge from 1786 to 1793, and Chief Judge from 1793 to 1797. He held offices under New York from 1770 to 1777.

Colonel Nathaniel Brush came to Bennington about 1775, and commanded the militia of that town in the Battle of Bennington; he served as Judge of Probate in 1781, and from 1787 to 1794, and as Clerk of the Courts from 1787 to 1803.

Amos Fassett was a son of Deacon John Fassett of Bennington and brother of Hon. John Fassett, Jr. He removed to Cambridge in 1784, with Noah Chittenden, and was Assistant Judge for several years.

Captain Nehemiah Lovewell was known as a famous fighter and served as Captain in Vermont in 1780 to 1782; he was one of the grantees of Goshen and represented Corinth in 1783.

Benjamin Hickock was a delegate for Hubbardton in the Convention at Dorset July 24, 1776; he was taken prisoner with others at Hubbardton July 6, 1777, by a party of Indians and Tories under Captain Justus Sherwood, but was released.

Seth Smith of Brattleboro was an agent of the adherents to New York in Windham County, and in that capacity visited Governor Clinton who sent him to represent Vermont matters in Congress; he did it so unfavorably that the grand

jury of the County indicted him for attempting to betray the State "into the hands of a foreign power."

JOHN ARMS was one of the first settlers of Brattleboro; held several offices under New York from 1766 until 1770. He joined the enemy, but repented and returned to Vermont and was pardoned on taking the oath of allegiance to Vermont. He wrote a political account of the Westminster massacre.

STEPHEN ROW BRADLEY LL. D., was born in Cheshire, Connecticut, February 20, 1754, and the son of Moses and Mary (Row) Bradley, and grandson of Stephen Bradley of New Haven, Connecticut, who served under Oliver Cromwell. The grandson, Stephen R., graduated at Yale College in July 1775; he had considerable military spirit, and was aid-de-camp to General David Worcester, and present when that General was slain at Danbury in April 1777. He studied law under Tapping Reeve at Litchfield, Connecticut. His first appearance in Vermont was at Westminster May 26, 1779, when he was admitted to the bar of this State and appointed its Clerk; he was appointed on October 22, 1779, as one of the agents to present the case of the controversy of Vermont to Congress.

The "Vermont's Appeal to the Candid and Impartial World" was written by him—an able presentation of the right of Vermont to become an independent State. In June 1780, he was appointed State's Attorney for Cumberland County. He represented Westminster in the General Assembly

in 1780, 1781, 1784, 1785, 1788, 1790 and 1800, and Clerk of the House in 1778, and in 1785 its Speaker. From March 1781, to March 1791, he was Register of Probate for Windham County, and in 1783, a Judge of the County Court and in 1788, a Judge of the Supreme Court; he was one of the commissioners appointed in October 1789, to settle the controversy with New York, and a delegate in the State Convention of 1791, which adopted the Constitution of the United States, and when the State was admitted into the Union he was elected the first United States Senator for the eastern side of the State and held that office until March 1795.

He again was elected and held the office from March 1801, to March 1813. He did honor to himself and to the State in all his services for the independence of the State and as Senator of the United States. He received five elections as President of the Senate, and was President of the Convention of Republican members of Congress and as such January 19, 1808, summoned the Convention of members which met and nominated Madison for President. He was opposed to the War with Great Britain, and counselled Madison against it, and was so dissatisfied with the national policy, he at the close of his term in 1813, withdrew from public life.

He was a lawyer of distinguished abilities, and a good orator; he had an inexhaustible flow of wit, and a great amount of unaffected urbanity, and had a large acquaintance with mankind, and an extensive range of historical knowledge.

He was the author of that part of the existing Constitution of the United States which requires that the Vice-President, like the President, shall be chosen by a majority of the electoral votes. In 1818, he removed from Westminster to Walpole, New Hampshire, where he resided till he died, December 9, 1830.

General William Eaton, a citizen of Vermont for some years, deserves an honorable mention. He was born in Woodstock, Connecticut, February 23, 1764, entered the Continental Army at the age of 16, and came out of the Army in 1783, with the rank of sergeant; he entered Dartmouth College and graduated in 1790, having spent his vacations in Vermont as school teacher. From 1791 to 1793, he was Clerk of the Vermont House, and in 1792, he obtained a commission as Captain in the United States Army which he held till 1797, when he was appointed consul to Tunis where he arrived in March 1799.

He concerted with Hamet Caramelli, the lawful Chief of Tripoli, then in exile, an expedition against the usurping Chief, which was done on the authority of the United States, whose fleet was to co-operate. In fifty days he crossed the Lybian Desert with an army of 500 men, and encamped before Derne, the capital of the richest province of Tripoli, April 26, 1805. This town contained a population of 15,000 and had strong defenses.

Eaton increased his force to 2,500 men by the addition of Arabs, and with the co-operation of three United States frigates captured the place in

two hours, and soon opened his way to the gates of Tripoli. Peace was soon declared, that put an end to further proceedings. After his return to the United States Aaron Burr made an ineffectual endeavor to enlist him in his conspiracy. He was a witness for the government in the trial of Burr. Eaton died at Brimfield, Massachusetts, June 1, 1811.

Noah Chittenden was the oldest son of Governor Thomas Chittenden and born in Salisbury, Connecticut, in 1753; he came to Vermont with his father in 1784, and removed to Cambridge; and previous to 1796, to Jericho. He represented Jericho in 1796, and from 1812 to 1815, and was Sheriff of Addison County in 1785, when it extended to Canada line, and of Chittenden County from 1787 to 1790; he was Assistant Judge of Chittenden County Court in 1804 until 1811; and Judge of Probate in 1811; he was Councillor from 1801 till 1812. He married a daughter of Hon. John Fassett and had a son Thomas and a daughter Hannah; Hannah married Hon. Truman Galusha of Jericho.

Dr. Samuel Adams came from Newton, Connecticut, and settled in Arlington and held his land under New Hampshire title. He dissented in 1774, from the policy of the Conventions of the Green Mountain Boys, and urged grantees under New Hampshire to purchase New York titles. This was very offensive to the opponents of New York and they advised him to keep silent. This request he resented, armed himself and threatened to silence any man who interfered with him.

For this he was arrested, tried and convicted as any enemy and punished by being hoisted up to the Catamount sign-post, and suspended there for two hours, to his own chagrin and much merriment of the beholders. This had a salutary effect on the doctor, but in 1777, he became a violent Tory and raised a company in Arlington, Manchester and the neighborhood to co-operate with Burgoyne. On one occasion he killed a Whig townsman and fled to Canada. His property was confiscated and his family sent within the enemy's lines in 1778, and was proscribed by the act of February 26, 1779.

Dr. Reuben Jones of Rockingham, afterwards of Chester, was an ardent Whig of Cumberland County, and very active in stirring up the people to arrest the loyal Court after the Westminster massacre, riding express, hatless to Dummerston for that purpose. He was an ardent supporter of the independence of Vermont, serving effeciently in each Convention, beginning with that of September 25, 1776, and officiating as Secretary in some of them.

He represented Rockingham four years, and Chester one year, in the General Assembly. In his last years he was embarrassed by poverty and driven to and fro between Vermont and New Hampshire to escape jail. On one occasion while under arrest the popular sympathy was so strong for him as to force his release, for which he and two friends were indicted in Windsor County Court.

Captain Azariah Wright in 1770, was Cap-

tain of militia in Westminster and a leading Whig in 1774, and in March 1775, was efficient with his company in arresting the leaders of the Court party and dispersing their adherents at the Westminster massacre. In 1778, he with 12 men went to Quebec; and in 1779, was greatly offended because Thomas Chandler, Jr., one of the said Court party was Speaker of the House, and wrote two queer letters to the Governor and Council and Assembly, which caused the resignation of Chandler.

George Earl was one of the jury of inquest to inquire into the death of William French, which sat at Westminster March 15, 1775, and was Captain of the Chester company of militia August 15, 1775; he was a member for Chester of the Cumberland County Committee of Safety in 1776, in which capacity he united with six other members November 7, 1776, in a protest against further proceedings as a Committee, because the action of the majority was "repugnant to the resolves of the Continental Congress." The matter was compromised and the protestants resumed their seats, but their protest stands as proof of their fidelity as patriots.

Nathan Canfield was a prominent man in Arlington. He was a Tory and as such was ordered to be confined in jail at Litchfield, Connecticut, but he was permitted to remain at his home on his friends giving bonds that he would report to the Council at any time. Notwithstanding his Tory politics he was on excellent terms with Ethan Allen, Warner, Baker, and other Whigs.

He represented Arlington in the General Assembly in 1786.

Colonel Thomas Lee of Rutland was Captain in Colonel Warner's regiment and presided at a court martial at Fort Ranger in 1779, for the trial of Major Hilkiah Grout; he was also Captain in Colonel Gideon Warner's regiment in the Vermont militia in 1780. He headed the attempted insurrection in Rutland County in November 1786.

Colonel Stephen Pearl in 1780, was elected a member of the Board of War and was then a resident of Pawlet. In November 1786, he commanded the Rutland County militia who put down the insurrection at that time. He shortly after removed to South Hero and from thence to Burlington, of which town he was a popular citizen and held various town and county offices.

Major-General Roger Enos entered the Continental Army at the opening of the Revolutionary War, and was in the expedition of Benedict Arnold through the forest of Maine to Quebec in the autumn of 1775; he commanded the rear division of eleven hundred men. The difficulties were so great, a council of war was held, and against the judgement and advice of Enos, Arnold determined to go on and Enos was commanded to bring up his strongest men and leave the sick and feeble to return. Enos took the responsibility on himself and returned with his whole command. At first he was harshly censured, but later his conduct was excused under the circumstances of the case.

General Enos first appeared in Vermont history in March 1780, when the town of Enosburgh was granted to him and his associates. For a time he was commander of all the Vermont troops in service; he was one among the few cognizant of the Haldimand Correspondence, and governed his military movements accordingly. His residence was in Hartland until after 1791; he represented that town in the General Assembly a number of years between 1782 to 1790. The closing years of his life were spent with his daughter, Mrs. Ira Allen, in Colchester. where he died October 6, 1808, in the 73d year of his age.

Rev. Lewis Bebee lived in Arlington previous to 1787, and from June 14, 1787, till May 6, 1791, was pastor of the Congregational Church in Pawlet. He was a member of the first Council of Censors.

Rev. Elijah Sill came from New Fairfield, Connecticut, and organized the Congregational Church in Dorset September 22, 1784, and was its pastor from that time until 1791.

Colonel Seth Warner was born in Woodbury, (then Roxbury) Connecticut, May 17, 1743, and died at Roxbury parish in Ancient Woodbury, Connecticut, December 26, 1784; his remains were interred with the honors of war which were justly due to his merits—the funeral sermon was preached from the text, "How are the mighty fallen, and the weapons of war perished." The following is on the tablet placed on his grave:

"Triumphant leader at our armies' head,
Whose martial glory struck a panic dread,
Thy warlike deeds engraven on this stone,
Tell future ages what a hero's done.

Full sixteen battles he did fight,
For to procure his country's right,
Oh! this brave hero, he did fall
By death, who ever conquers all.
When this you see remember me."

He came to Bennington to reside in January 1765, and in 1771, was elected by a convention Captain of the Green Mountain Boys, of whom Ethan Allen was commander, whose special duties were to protect the New Hampshire grantees from the influence and action of the New York authorities, and in this business he was zealous and thorough, but his zeal was tempered with wisdom. On May 10, 1775, he commanded the party that captured the fort at Crown Point; he was elected Lieutenant-Colonel commandant of the regiment of Green Mountain Boys to serve in the Continental Army, and in 1776, he raised a regiment and served efficiently in Canada, and on July 5, 1776, he was appointed Colonel by Congress and raised still another regiment that he commanded through the war; he was always relied on as a safe man.

He was assigned to bring up the rear in the disastrous retreat from Canada in the spring of 1776, and again in July of the same year in St. Clair's retreat from Ticonderoga, and fought the bloody battle on the stubbornly contested field of Hubbardton. Warner with the remnant of his regiment saved at Hubbardton was present at the Battle of Bennington and aided General Stark in planning the attack. Stark in his official account of the battle said "Warner's superior skill in the action was a great service to me."

Colonel Warner was of noble personal appearance, not less than six feet and two inches in height, thin in flesh, but of great bodily strength; he was free from affectation, social, pleasing, and dignified. The following lines, concerning him, were published in the Vermont Gazette of January 17, 1785, viz:

"True to his trust, and worthy of command,
He fought the battles of an injur'd land,
Freedom exulting own'd her patriot son,
And placed him on her list with Washington;
There with distinguished luster *Warner* shone,
In all the list his peer was scarcely known;
But conquering death has laid the hero low,
His conquests ended, and reliev'd his woe,
Peace to his shade, let grateful thousands say,
Who taught the road to fame, and led the way."

CHAPTER XXI.

REPRESENTATIVES IN CONGRESS, DISTRICT JUDGES AND LIEUTENANT-GOVERNORS.

The lists of the Representatives of Vermont in the Congress of the United States, United States District Judges, and Lieutenant-Governors of the State to the present time are as follows, viz:

Names of Representatives.	Commencement of Service.	Expiration of Service.
Nathaniel Niles	Dec. 1791	March 3, 1795
Israel Smith	" 1791	" " 1797
Daniel Buck	" 7, 1795	" " 1797
Mathew Lyon	May 15, 1797	" " 1801
Lewis R. Morris	" " 1797	" " 1803
Israel Smith	Dec. 7, 1801	" " 1803
William Chamberlin	Oct. 17, 1803	" " 1805
Martin Chittenden	" " 1803	" " 1813
James Elliot	" " 1803	" " 1809
Gideon Olin	" " 1803	" " 1807
James Fisk	Dec. 2, 1805	" " 1809
James Witherill [1]	Oct. 26, 1807	April 25, 1808
Samuel Shaw	Nov. 7, 1808	March 3, 1813
William Chamberlin	May 22, 1809	May 1, 1810
Jonathan H. Hubbard	" " 1809	" " 1810
James Fisk	Dec. 3, 1810	March 3, 1815
William Strong	" " 1810	" " 1815
William C. Bradley	May 24, 1813	" " 1815

Ezra Butler	May 24, 1813	"	"	1815
Richard Skinner	" " 1813	"	"	1815
Charles Rich	" " 1813	"	"	1815
Daniel Chipman	Dec. 4, 1815	"	"	1817
Luther Jewett	" " 1815	"	"	1817
Chauncey Langdon	" " 1815	"	"	1817
Asa Lyon	" " 1815	"	"	1817
Charles Marsh	" " 1815	"	"	1817
John Noyes	" " 1815	"	"	1817
Heman Allen [2] (of Colchester)	Dec. 1, 1817	"	"	1819
Samuel C. Crafts	" " 1817	"		1825
William Hunter	" " 1817	March 3,		1819
Orsamus C. Merrill [3]	" " 1817	Jan. 13,		1820
Charles Rich	" " 1817			1825
Mark Richards	" " 1817	March 3,		1821
Rollin C. Mallory	Jan. 13, 1820			1821
William Strong	Dec. 6, 1819	March 3,		1821
Ezra Meech	" " 1819	"	"	1821
Elias Keyes	" 3, 1821	"	"	1823
John Mattocks	" " 1821	"	"	1823
Phineas White	" " 1821	"	"	1823
William C. Bradley	March 3, 1823	"	"	1827
D. Azro A. Buck	" " 1823	"	"	1829
Ezra Meech	" " 1825	"	"	1827
John Mattocks	" " 1825	"	"	1827
George E. Wales	" " 1825	"	"	1829
Heman Allen (of Milton)	" " 1827	"	"	1829
Benjamin Swift	" " 1827	"	"	1831
Jonathan Hunt [4]	" " 1827	"	"	1832
William Cahoon	" " 1827	"	"	1833
Horace Everett	" " 1829	"	"	1843

William Slade	"	"	1831	"	" 1843
Heman Allen (of Milton)	"	"	1832	"	" 1839
Hiland Hall	"	"	1833	"	" 1843
Benjamin F. Deming	"	"	1833	"	" 1835
Henry F. James	"	"	1835	"	" 1837
Isaac Fletcher	"	"	1837	"	" 1841
John Smith	"	"	1839	"	" 1841
Augustus Young	"	"	1841	"	" 1843
John Mattocks	"	"	1841	"	" 1843
George P. Marsh	"	"	1843	"	" 1849
Solomon Foot	"	"	1843	"	" 1847
Paul Dillingham	"	"	1843	"	" 1847
Jacob Collamer	"	"	1843	"	" 1849
William Henry	"	"	1847	"	" 1851
Lucius B. Peck	"	"	1847	"	" 1851
William Hebard	"	"	1849	"	" 1853
James Meecham [5]	"	"	1849	"	" 1856
Ahiman L. Miner	"	"	1851	"	" 1853
Thomas Bartlett, Jr.	"	"	1851	"	" 1853
Andrew Tracy	"	"	1853	"	" 1855
Alvin Sabin	"	"	1853	"	" 1857
Justin S. Morrill	"	"	1855	"	" 1767
George T. Hodges	"	"	1856	"	" 1857
Eliakim P. Walton	"	"	1857	"	" 1863
Homer E. Royce	"	"	1857	"	" 1861
Portus Baxter	"	"	1861	"	" 1857
Frederick Woodbridge	"	"	1863	"	" 1869
Worthington C. Smith	"	"	1867	"	" 1873
Luke P. Poland	"	"	1867	"	" 1875
Charles W. Williard	"	"	1869	"	" 1875
George W. Hendee	"	"	1873	"	" 1879
Dudley C. Denison	"	"	1875	"	" 1879

Charles H. Joyce	"	"	1875	"	" 1883
Bradley Barlow	"	"	1879	"	" 1881
James M. Tyler	"	"	1879	"	" 1883
William W. Grout	"	"	1881	"	" 1883
Luke P. Poland	"	"	1883	"	" 1885
John W. Stewart	"	"	1883	"	" 1891
William W. Grout	"	"	1885	"	" 1901
H. Henry Powers	"	"	1891	"	" 1901

1. James Witherill resigned in 1808 to accept the appointment of Federal Judge in Michigan Territory.
2. Heman Allen resigned in 1818, and was appointed United States Marshall for Vermont.
3. Orsamus C. Merrill was returned as member of the 16th Congress and took his seat but his election was successfully contested by Rollin C. Mallory who took his seat January 13, 1820.
4. Jonathan Hunt died in office.
5. James Meacham died in office.

United States District Judges.

Names of Judges.	Commencement of Service.	Expiration of Service.
Nathaniel Chipman	1791	1793
Samuel Hitchcock	1793	1801
Elijah Paine	1801	1842
Samuel Prentiss	1842	1856
David A. Smalley	1856	1877
Hoyt H. Wheeler	1877	

Lieutenant-Governors.

Names.	Time of Service.	Names.	Time of Service.
Joseph Marsh	1778—79	Ryland Fletcher	1854—56
Benjamin Carpenter	1779—81	James M. Slade	1856—58
Elisha Payne	1781—82	Burnam Martin	1858—60
Paul Spooner	1782—87	Levi Underwood	1860—62
Joseph Marsh	1787—90	Paul Dillingham	1862—65
Peter Olcott	1790—94	Abraham B. Gardner	1865—67
Jonathan Hunt	1794—96	Stephen Thomas	1867—69
Paul Brigham *	1796—1813	George W. Hendee *	1869—70
William Chamberlin	1813—15	George N. Dale	1870—72
Paul Brigham	1815—20	Russell S. Taft	1872—74
William Cahoon	1820—22	Lyman G. Hunckley	1874—76
Aaron Leland	1822—27	Redfield Proctor	1876—78
Henry Olin	1827—30	Eben R. Colton	1878—80
Mark Richards	1830—31	John L. Barstow	1880—82
Lebbeus Edgerton	1831—35	Samuel E. Pingree	1882—84
Silas H. Jennison *	1835—36	Ebenezer J. Ormsbee	1884—86
David M. Camp	1836—41	Levi K. Fuller	1886—88
Waitstill R. Ranney	1841—43	Urban A. Woodbury	1888—90
Horace Eaton	1843—46	Henry A. Fletcher	1890—92
Leonard Sargeant	1846—48	F. Stewart Stranahan	1892—94
Robert Pierpoint	1848—50	Zophar M. Mansur	1894—96
Julius Converse	1850—52	Nelson W. Fisk	1896—98
William C. Kittredge	1852—53	Henry C. Bates	1898—1900
Jefferson P. Kidder	1853—54	Martin F. Allen	1900

* Also acting Governor.

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